

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** McLamb, Marguerite  
**Sent:** Wed 4/5/2017 4:55:43 PM  
**Subject:** Decision considerations\_CPP 4.5.2017  
[Decision considerations\\_CPP 4.5.2017.docx](#)

Hi, Kevin,

Attached is the file with a few surface changes. Your approach was very clear in rationale and presentation – nicely done! I cleaned up the language and formatting, to have a document that is internally consistent and easily revisable to fit the other rules.

Just let me know if you have any questions.

Best,

Marguerite

\*\*\*\*\*

Marguerite E. McLamb

Policy Advisor

Sector Policies and Programs Division

Office of Air Quality Planning & Standards

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

Phone: (919) 541-7858

Fax: (919) 541-4991

[mclamb.marguerite@epa.gov](mailto:mclamb.marguerite@epa.gov)

**To:** Barnett, Keith[Barnett.Keith@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Lassiter, Penny[Lassiter.Penny@epa.gov]; Schell, Bob[Schell.Bob@epa.gov]  
**Cc:** Conner, Lisa[Conner.Lisa@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]  
**From:** Eck, Janet  
**Sent:** Wed 4/5/2017 3:42:41 PM  
**Subject:** FW: Petition List Updates due in SharePoint COB 4/26/17  
[Revised Petition Inventory.docx](#)

Please have updates to the petition inventory to me by COB Wednesday, 4/26. Thanks.

**From:** Iglesias, Amber  
**Sent:** Wednesday, April 05, 2017 11:01 AM  
**To:** Eck, Janet <Eck.Janet@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Brown, Kelly <Brown.Kelly@epa.gov>; Long, Pam <Long.Pam@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>  
**Cc:** Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>  
**Subject:** Petition List Updates due in SharePoint COB 4/27/17  
**Importance:** High

Reg Team,

Please have any petition list updates in SharePoint NLT COB 4/27/17. Please let me know if you have any questions.

Amber Iglesias

EPA Office of Air Quality Planning and Standards

1200 Pennsylvania Ave., NW

Washington, D.C. 20460

202-564-3175



**To:** Jordan, Scott[Jordan.Scott@epa.gov]; Marks, Matthew[Marks.Matthew@epa.gov]; Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]; Lifland, David[Lifland.David@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Schmidt, Lorie  
**Sent:** Fri 3/24/2017 11:22:23 PM  
**Subject:** draft CPP notice  
[CPP Repeal Proposal.FR Notice.3.24.17.7pm.docx](#)

FYI

Also – I made a few changes to the document and saved them to the Sharepoint site. I then saved the document to my drive, accepted all changes, and forwarded this document. So – everything that is in the attached document should also be in the sharepoint version.

Thanks for all your work on this. Pretty amazing what you pulled together in a very short time.

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**From:** Schmidt, Lorie  
**Sent:** Friday, March 24, 2017 7:19 PM  
**To:** Schwab, Justin <schwab.justin@epa.gov>; Kevin Minoli (Minoli.Kevin@epa.gov) <Minoli.Kevin@epa.gov>  
**Cc:** OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Peter Tsirigotis (Tsirigotis.Peter@epa.gov) <Tsirigotis.Peter@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Subject:**

Justin and Kevin

## **Ex. 5 - Deliberative Process Attorney Client**

## **Ex. 5 - Deliberative Process Attorney Client**

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Tsirigotis, Peter  
**Sent:** Thur 3/23/2017 8:51:44 PM  
**Subject:** Fwd: CORRECTION - USE THIS VERSION - CPP Proposal Withdrawal Notice  
[FR Notice.Withdrawal.FIP and CEIP.Revised Draft.3.23.17.SJJ+EZ.4pm.docx](#)  
[ATT00001.htm](#)

Begin forwarded message:

**From:** "Schmidt, Lorie" <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Date:** March 23, 2017 at 4:49:31 PM EDT  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>, "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>  
**Subject:** Fwd: CORRECTION - USE THIS VERSION - CPP Proposal Withdrawal Notice

Before I go home tonight, I am supposed to send a draft to Justin, Mandy and Sarah G of the FR notice to withdraw the CPP-related proposals. Attached is our current draft, which I have not yet reviewed. Please let me know if you have any comments.

I believe this is for Tuesday signature.

Thanks

Lorie

Sent from my iPhone

Begin forwarded message:

**From:** "Jordan, Scott" <[Jordan.Scott@epa.gov](mailto:Jordan.Scott@epa.gov)>  
**Date:** March 23, 2017 at 4:40:41 PM EDT  
**To:** "Schmidt, Lorie" <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Cc:** "Siciliano, CarolAnn" <[Siciliano.CarolAnn@epa.gov](mailto:Siciliano.CarolAnn@epa.gov)>, "Srinivasan, Gautam" <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>, "Zenick, Elliott" <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>, "Simons, Andrew" <[Simons.Andrew@epa.gov](mailto:Simons.Andrew@epa.gov)>, "Talty, Mark" <[Talty.Mark@epa.gov](mailto:Talty.Mark@epa.gov)>  
**Subject:** CORRECTION - USE THIS VERSION - CPP Proposal Withdrawal Notice

Please use the attached document rather than the version I send a few

minutes ago. (This version contains a couple of minor edits that I had not yet saved before I sent the previous email.)

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Schmidt, Lorie

**Sent:** Thursday, March 23, 2017 4:35 PM

**To:** Jordan, Scott

**Cc:** Siciliano, CarolAnn; Srinivasan, Gautam; Zenick, Elliott; Simons, Andrew; Talty, Mark

**Subject:** Re: Notice Withdrawing Proposal: EPA's 2012 CAFO example

Great! I will review that version before I leave tonight and forward it on.

Sent from my iPhone

On Mar 23, 2017, at 4:31 PM, Jordan, Scott <[Jordan.Scott@epa.gov](mailto:Jordan.Scott@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process Attorney Client**

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Schmidt, Lorie

**Sent:** Thursday, March 23, 2017 4:21 PM

**To:** Siciliano, CarolAnn

**Cc:** Srinivasan, Gautam; Zenick, Elliott; Jordan, Scott; Simons, Andrew; Talty, Mark

**Subject:** Re: Notice Withdrawing Proposal: EPA's 2012 CAFO example

Thanks Carolann.

## **Ex. 5 - Deliberative Process Attorney Client**

Sent from my iPhone

On Mar 23, 2017, at 2:36 PM, Siciliano, CarolAnn  
<[Siciliano.CarolAnn@epa.gov](mailto:Siciliano.CarolAnn@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process Attorney Client**

Carol Ann Siciliano

Associate General Counsel

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5489

[siciliano.carolann@epa.gov](mailto:siciliano.carolann@epa.gov)

<FR Notice.Withdrawal.FIP and CEIP.Revised  
Draft.3.23.17.SJJ+EZ.4pm.docx>

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Tsirigotis, Peter  
**Sent:** Wed 3/22/2017 6:09:11 PM  
**Subject:** Draft notice we discussed  
FR Notice.CPP 3-17 6 pm (1)+Text re compliance dates.SJJ.3.21.17.3pm (002).docx

**From:** Culligan, Kevin  
**Location:** Room 10258 New Executive Office Building  
**Importance:** Normal  
**Subject:** Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Thur 7/13/2017 5:00:00 PM  
**End Date/Time:** Thur 7/13/2017 5:30:00 PM

**To:** Thompson, Fred[Thompson.Fred@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 6/26/2017 12:59:14 PM  
**Subject:** Money for CPPD hearing

Fred,

Tried to track down a guesstimate of the right amount and had no luck

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

To fund a public hearing for the CPP repeal in DC

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Sent from my iPhone

**To:** Henigin, Mary[Henigin.Mary@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/22/2017 4:54:51 PM  
**Subject:** FW: E.O. 12866 Meeting on the Review of the Clean Power Plan  
E.O. 12866 Meeting on the Review of the Clean Power Plan

**To:** Henigin, Mary[Henigin.Mary@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/22/2017 4:53:54 PM  
**Subject:** FW: E.O. 12866 Meeting on the Review of the Clean Power Plan  
E.O. 12866 Meeting on the Review of the Clean Power Plan

**From:** Culligan, Kevin  
**Location:** Room 9258 New Executive Office Building  
**Importance:** Low  
**Subject:** FW: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Mon 6/26/2017 6:00:00 PM  
**End Date/Time:** Mon 6/26/2017 6:30:00 PM

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**From:** Echols, Mabel E. EOP/OMB  
**Sent:** Monday, June 12, 2017 2:29:17 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Echols, Mabel E. EOP/OMB; Mancini, Dominic J. EOP/OMB; Laity, Jim A. EOP/OMB; Szabo, Aaron L. EOP/OMB; DeBruhl, Brandon F. EOP/OMB; Catanzaro, Michael J. EOP/WHO; Herz, James P. EOP/OMB; Olmstead, Sheila M. EOP/CEA; Neumayr, Mary B. EOP/CEQ; Hickey, Mike J. EOP/OMB; Campau, Anthony P. EOP/OMB; Thomas, Amanda L. EOP/OMB; Pinkos, Stephen M. EOP/OVP; Moran, John S. EOP/WHO; Culligan, Kevin; Steiner, Elyse; Zenick, Elliott; Macpherson, Alex; Weatherhead, Darryl  
**Subject:** E.O. 12866 Meeting on the Review of the Clean Power Plan  
**When:** Monday, June 26, 2017 2:00 PM-2:30 PM.  
**Where:** Room 9258 New Executive Office Building

This meeting was requested by Eugene Trisko, Attorney at Law on behalf of the International Brotherhood of Electrical Workers, International Brotherhood of Boilermakers, United Mine Workers of America, SMART- Transportation Division, and potentially 2-3 other groups.

Call-in: **Ex. 6 - Personal Privacy**

Here's the link for security if needed:

**Ex. 6 - Personal Privacy**

**From:** Culligan, Kevin  
**Location:** Room 9258 New Executive Office Building  
**Importance:** Normal  
**Subject:** Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Mon 6/26/2017 6:00:00 PM  
**End Date/Time:** Mon 6/26/2017 6:30:00 PM

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 6/21/2017 5:36:32 PM  
**Subject:** Not urgent, but call me when you can for CPP update

12866 meetings beginning to be scheduled. At least one may be of particular interest to OAP folks

**Cc:** Bremer, Kristen[Bremer.Kristen@epa.gov]  
**To:** Ashley, John[ashley.john@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 6/21/2017 5:29:48 PM  
**Subject:** Re: CPP - draft FS and Comm plan

FYI - we now have a 12866 meeting scheduled with Clean Air Task Force for July 6. I'd expect that more are likely to be scheduled. Can't imagine rule being released before they are all done.

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**From:** Ashley, John  
**Sent:** Tuesday, June 20, 2017 3:57 PM  
**To:** Ashley, Jackie; Culligan, Kevin; Steiner, Elyse  
**Cc:** Bremer, Kristen  
**Subject:** RE: CPP - draft FS and Comm plan

Attached are my edits and thoughts on these docs. Nothing major. I also added a question to the end of the Q&A.

John

**From:** Ashley, Jackie  
**Sent:** Monday, June 19, 2017 2:25 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Ashley, John <ashley.john@epa.gov>  
**Cc:** Bremer, Kristen <Bremer.Kristen@epa.gov>  
**Subject:** CPP - draft FS and Comm plan

Kevin, Elyse and John –

Attached is a draft fact sheet and communications plan for the CPP proposal. Please review and send comments to me at your convenience. I'll be working on a parallel track with HEID to develop some Q&A about the RIA.

I've copied Kristen because

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Thanks and let me know if you have questions.

-Jackie

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Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 –  
[ashley.jackie@epa.gov](mailto:ashley.jackie@epa.gov)

**From:** Culligan, Kevin  
**Location:** Room 10258 New Executive Office Building  
**Importance:** Normal  
**Subject:** Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Wed 6/28/2017 8:00:00 PM  
**End Date/Time:** Wed 6/28/2017 8:30:00 PM

**From:** Culligan, Kevin  
**Location:** Room 9258 New Executive Office Building  
**Importance:** Normal  
**Subject:** Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Thur 7/6/2017 5:00:00 PM  
**End Date/Time:** Thur 7/6/2017 5:30:00 PM

**From:** Culligan, Kevin  
**Location:** Room 9258 New Executive Office Building  
**Importance:** Normal  
**Subject:** Accepted: E.O. 12866 Meeting on the Review of the Clean Power Plan  
**Start Date/Time:** Thur 6/22/2017 5:00:00 PM  
**End Date/Time:** Thur 6/22/2017 5:30:00 PM

**To:** Szabo, Aaron L. EOP/OMB  
**From:** Culligan, Kevin  
**Sent:** Thur 6/8/2017 8:33:54 PM  
**Subject:** CPP 12866 meetings

Ex. 6 - Personal Privacy [redacted]@omb.eop.gov]

Kevin Culligan

Elyse Steiner

Elliot Zenick

Alex Macpherson

Darryl Weatherhead

Call me when you can to chat about landfills

**To:** Sasser, Erika[Sasser.Erika@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/8/2017 7:39:58 PM  
**Subject:** per my voice-mail

Do you want me to put someone from your division on the invite list for the 12866 meetings for the CPP?

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 6/7/2017 2:37:57 PM  
**Subject:** FW: CPP Repeal OMB Pkg  
[CPP Repeal Post-It Note.pdf](#)  
[ATT00001.htm](#)  
[Comm Plan CPP-draft Jun1.docx](#)  
[ATT00002.htm](#)  
[CPP Repeal OMB Transmittal Memo.docx](#)  
[ATT00003.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA 20170602.docx](#)  
[ATT00004.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA Spreadsheet 20170602.xlsx](#)  
[ATT00005.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal 20170602.docx](#)  
[ATT00006.htm](#)  
[CPP Repeal Action Memo 060217docx mk.docx](#)  
[ATT00007.htm](#)

**From:** "Eck, Janet" <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**To:** "Rush, Alan" <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>  
**Cc:** "Iglesias, Amber" <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>, "Henigin, Mary" <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>, "Culligan, Kevin" <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>, "Steiner, Elyse" <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>, "Lamason, Bill" <[Lamason.Bill@epa.gov](mailto:Lamason.Bill@epa.gov)>, "Thompson, Fred" <[Thompson.Fred@epa.gov](mailto:Thompson.Fred@epa.gov)>, "French, Chuck" <[French.Chuck@epa.gov](mailto:French.Chuck@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>, "Weatherhead, Darryl" <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>, "Macpherson, Alex" <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>, "Sasser, Erika" <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>  
**Subject:** CPP Repeal OMB Pkg

Hi Alan, Attached is the Repeal of Carbon Dioxide Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units (SAN 5548.7) for OMB review. Please forward to OP for upload into ROCIS. Thanks.

**To:** Ashley, Jackie[Ashley.Jackie@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 6/6/2017 7:17:48 PM  
**Subject:** Fwd: CPP Repeal OMB Pkg

Sent from my iPhone

Begin forwarded message:

**From:** "Eck, Janet" <Eck.Janet@epa.gov>  
**To:** "Rush, Alan" <Rush.Alan@epa.gov>  
**Cc:** "Iglesias, Amber" <Iglesias.Amber@epa.gov>, "Henigin, Mary" <Henigin.Mary@epa.gov>, "Culligan, Kevin" <Culligan.Kevin@epa.gov>, "Steiner, Elyse" <Steiner.Elyse@epa.gov>, "Lamason, Bill" <Lamason.Bill@epa.gov>, "Thompson, Fred" <Thompson.Fred@epa.gov>, "French, Chuck" <French.Chuck@epa.gov>, "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>, "Weatherhead, Darryl" <Weatherhead.Darryl@epa.gov>, "Macpherson, Alex" <Macpherson.Alex@epa.gov>, "Sasser, Erika" <Sasser.Erika@epa.gov>  
**Subject:** CPP Repeal OMB Pkg

**To:** Ashley, Jackie[Ashley.Jackie@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 6/6/2017 4:38:39 PM  
**Subject:** Fwd: CPP Repeal OMB Pkg

Sent from my iPhone

Begin forwarded message:

**From:** "Steiner, Elyse" <Steiner.Elyse@epa.gov>  
**Date:** June 6, 2017 at 9:25:59 AM EDT  
**To:** "Eck, Janet" <Eck.Janet@epa.gov>, "Culligan, Kevin" <Culligan.Kevin@epa.gov>  
**Subject:** RE: CPP Repeal OMB Pkg

Kevin,

I presume we still need to request a new docket for this action. Please let me know if/when you want this started. It should be relatively fast & easy to set up.

Elyse

**From:** Eck, Janet  
**Sent:** Friday, June 02, 2017 3:32 PM  
**To:** Rush, Alan <Rush.Alan@epa.gov>  
**Cc:** Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>  
**Subject:** CPP Repeal OMB Pkg

Hi Alan, Attached is the Repeal of Carbon Dioxide Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units (SAN 5548.7) for OMB review. Please forward to OP for upload into ROCIS. Thanks.

**To:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 6/2/2017 7:03:59 PM  
**Subject:** Final action memo  
CPP Repeal Action Memo 060217docx mk.docx

**From:** Culligan, Kevin  
**Sent:** Friday, June 02, 2017 2:45 PM  
**To:** Eck, Janet <Eck.Janet@epa.gov>  
**Cc:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** Edited version of action memo

To make consistent with current version of the preamble. CCing Mike to give him a chance to take a quick look before we send the whole package forward. Darryl is looking at the RIA and I'll try to get an official OGC concurrence.

**From:** Eck, Janet  
**Sent:** Thursday, June 01, 2017 4:24 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Action Memo w/Redline from Mike

Hi Kevin, Let me know if you have any changes. Thanks.

**To:** Koerber, Mike[Koerber.Mike@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 6/2/2017 6:58:28 PM  
**Subject:** RE: Edited version of action memo

## Ex. 5 - Deliberative Process

**From:** Koerber, Mike  
**Sent:** Friday, June 02, 2017 2:51 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>  
**Subject:** RE: Edited version of action memo

Some minor clean-up for your consideration.

**From:** Culligan, Kevin  
**Sent:** Friday, June 02, 2017 2:46 PM  
**To:** Eck, Janet <Eck.Janet@epa.gov>  
**Cc:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** Edited version of action memo

To make consistent with current version of the preamble. CCing Mike to give him a chance to take a quick look before we send the whole package forward. Darryl is looking at the RIA and I'll try to get an official OGC concurrence.

**From:** Eck, Janet  
**Sent:** Thursday, June 01, 2017 4:24 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Action Memo w/Redline from Mike

Hi Kevin, Let me know if you have any changes. Thanks.

**To:** Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]  
**Cc:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 6/2/2017 6:38:01 PM  
**Subject:** FW: For review: latest drafts of the CPP documents  
[CPP Repeal Proposal.FR Notice.6.2.2017-Dravis Edits.docx](#)

Thanks for your help – if you could send an edited version of the RIA to Janet and I that would be great.

**From:** Dravis, Samantha  
**Sent:** Friday, June 02, 2017 2:30 PM  
**To:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>  
**Subject:** RE: For review: latest drafts of the CPP documents  
**Importance:** High

All:

Attached are the final edits from the political team. Please use this version, and send the final package up to OP as soon as possible.

Thanks for all your work.

Best,

Samantha

**From:** Schmidt, Lorie  
**Sent:** Friday, June 02, 2017 12:27 PM  
**To:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>  
**Subject:** RE: For review: latest drafts of the CPP documents

I am not sure who has the pen on the document right now and who is accepting or rejecting OGC's line edits. For that matter, I'm not sure whether all are being accepted or not.

## Ex. 5 - Deliberative Process Attorney Client

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**From:** Schwab, Justin  
**Sent:** Friday, June 02, 2017 11:57 AM  
**To:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis,

Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>

**Subject:** Re: For review: latest drafts of the CPP documents

## Ex. 5 - Deliberative Process Attorney Client

Sent from my iPhone

On Jun 2, 2017, at 11:55 AM, Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)> wrote:

## Ex. 5 - Deliberative Process Attorney Client

let us know if you need more.

Loric

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**From:** Schmidt, Lorie  
**Sent:** Friday, June 02, 2017 11:09 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>  
**Subject:** Re: For review: latest drafts of the CPP documents

Working on it now.

Sent from my iPhone

On Jun 2, 2017, at 10:53 AM, Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)> wrote:

We are ready to send on our end whenever you get the package to us.

**From:** Gunasekara, Mandy  
**Sent:** Friday, June 02, 2017 10:31 AM  
**To:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>  
**Subject:** Re: For review: latest drafts of the CPP documents

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jun 2, 2017, at 9:53 AM, Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)> wrote:

Schmidt, Lorie has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png>[CPP Repeal Proposal.FR Notice.5.31.17.docx](#)

Please find attached our reactions to Mandy's comments. A few things to note:

## Ex. 5 - Deliberative Process Attorney Client

Let us know if you would like to discuss.

Thanks,

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

**From:** Gunasekara, Mandy

**Sent:** Wednesday, May 31, 2017 1:04 PM

**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Cc:** Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>

**Subject:** RE: For review: latest drafts of the CPP documents

The attached includes my edits **Ex. 5 - Deliberative Process** Please incorporate these into the final version.

**From:** Dunham, Sarah

**Sent:** Wednesday, May 31, 2017 12:01 PM

**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Cc:** Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>

**Subject:** RE: For review: latest drafts of the CPP documents

Thank you Mandy—What you laid out below is consistent with how we are proceeding.

For a little more context on the work that is ongoing, OAR and OP have been working together on both documents:

- OAR will have completed edits to the RIA to send back to OP by COB today.
- OAR has further edits we are making to the Executive Order sections of the preamble per comments from OP, we expect those sections of the preamble will need some further back and forth tomorrow with OP and OGC but that should be wrapped up in time to go to OMB on Friday.

**From:** Gunasekara, Mandy

**Sent:** Wednesday, May 31, 2017 10:18 AM

**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: For review: latest drafts of the CPP documents

I'd like to make sure we are all on the same page regarding CPP. This is my understanding of the status. Please let me know if any of this needs modification:

- Sam, Brittany and I will have any comments on preamble by COB today;
- OP/OAR will have an updated/final RIA by COB today;
- Thursday, final touches/final review by OGC (per Justin's request)
- Friday – send to OMB.

Best,

Mandy

**From:** Lewis, Josh

**Sent:** Friday, May 26, 2017 3:00 PM

**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Cc:** Page, Steve <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>; Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Subject:** For review: latest drafts of the CPP documents

Attached are the latest drafts of the CPP Rescission Notice Preamble and the RIA. Sarah and others in OAR are still reviewing one/both of these, but we wanted you to have the latest drafts before the long weekend.

A few notes on the preamble:

## Ex. 5 - Deliberative Process

A few important notes on the RIA:

## Ex. 5 - Deliberative Process

- The RIA language is still a work in progress and there are sections of the document that are missing or still need attention, specifically:

## **Ex. 5 - Deliberative Process**

We anticipate having the next draft of the RIA ready by COB Wednesday, pending comments received from this review.

Josh

**To:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 6/2/2017 4:11:23 PM  
**Subject:** RE: On phone with Lorie. Sending now.

Thanks – it's not just bubbles, there is still lots of red-line/strikeout. Need you guys to decide whether or not to take at least the OGC edits.

**From:** Zenick, Elliott  
**Sent:** Friday, June 02, 2017 12:08 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: On phone with Lorie. Sending now.

I think Lorie sent with the bubbles still in. We can get them pulled out easy enough. Talked to  
**Ex. 5 - Deliberative Process**

**From:** Culligan, Kevin  
**Sent:** Friday, June 02, 2017 12:03 PM  
**To:** Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Subject:** RE: On phone with Lorie. Sending now.

OK. Need to touch base on CPP – my expectation is that OGC is going to send a clean version with all the OGC edits accepted/rejected and internal OGC notes removed? Also hoping to

**Ex. 5 - Deliberative Process**

- Kevin

**From:** Zenick, Elliott  
**Sent:** Friday, June 02, 2017 11:55 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** On phone with Lorie. Sending now.



**To:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 6/2/2017 2:26:18 PM  
**Subject:** FW: current version of CPP notice  
CPP Repeal Proposal.FR Notice.6.2..17.docx

**From:** Culligan, Kevin  
**Sent:** Friday, June 02, 2017 10:26 AM  
**To:** McGartland, Al <McGartland.Al@epa.gov>  
**Cc:** Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>  
**Subject:** current version of CPP notice

This version reflects OGC staff level input but has not yet been reviewed by Justin (he is doing that now).

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

The redline strikeout reflects changes from last Friday's version including: Mandy's edits, OGC's edits and

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

- Kevin

**To:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 8:00:16 PM  
**Subject:** FW: CPP - draft comm plan  
Comm Plan CPP-draft Jun1.docx

**From:** Ashley, Jackie  
**Sent:** Thursday, June 01, 2017 3:30 PM  
**To:** Millett, John <Millett.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Noonan, Jenny <Noonan.Jenny@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>  
**Subject:** CPP - draft comm plan

John –

As discussed, here's a draft of a comm plan that I worked on with Andrea and Kevin. A desk statement about the package going to OMB and a likely Q&A are at the bottom under "additional information." We hear this step may happen soon. Remember there's usually a business day between when a package is sent over and when it appears as under review at OMB.

Please share these materials as appropriate, and Kevin will put this comm plan with the package as DRAFT.

Let us know if you have any comments/edits at any time.

-----

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – [ashley.jackie@epa.gov](mailto:ashley.jackie@epa.gov)

**To:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 7:52:36 PM  
**Subject:** FW: RIA and RIA spreadsheet attached  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA\\_20170601.docx](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA Spreadsheet\\_20170601.xlsx](#)

**From:** Macpherson, Alex  
**Sent:** Thursday, June 01, 2017 3:31 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Eck, Janet <Eck.Janet@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>  
**Subject:** RIA and RIA spreadsheet attached

Kevin

We're not sure of the specific timing on this, so I'm sending materials now in case a quick turnaround is needed. If you know anything more about timing, please let us know.

Attached is the most recent version of the RIA and the required spreadsheet. Please note this version has minor revisions when compared the version we sent yesterday (Weds.). We Ex. 5 - Deliberative Process as well as made a handful of minor proofreading edits.

Let me know if you have any questions  
Alex

-----  
Alexander Macpherson, PhD

Senior Economist

Office of Air and Radiation

US Environmental Protection Agency

919-541-9770

**To:** McGartland, Al[McGartland.Al@epa.gov]; Evans, DavidA[Evans.DavidA@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 4:05:04 PM  
**Subject:** RE: Final draft

OGC is sending a version to Justin to review early this afternoon. I can either get you that version or it won't be til later in the day.

-----Original Message-----

From: McGartland, Al  
Sent: Thursday, June 01, 2017 12:03 PM  
To: Evans, DavidA <Evans.DavidA@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>  
Subject: Final draft

If possible I'd love to see the final version of the cpp package when it's available.

Sent from my iPhone

**To:** McGartland, Al[McGartland.Al@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov];  
Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Evans, DavidA[Evans.DavidA@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 3:05:20 PM  
**Subject:** With regard to OP review

It would be good if you could review the language that Erika sent last night in that file. I'm still waiting for OGC to resolve edits on the main portion of the package so don't anticipate a new version being sent around til later today (obviously subject to change if there are other schedule changes).

-----Original Message-----

From: McGartland, Al  
Sent: Thursday, June 01, 2017 10:07 AM  
To: Sasser, Erika <Sasser.Erika@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>;  
Culligan, Kevin <Culligan.Kevin@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>  
Subject: When are pens down on cpp package. I heard it's going today

Sent from my iPhone

**To:** McGartland, Al[McGartland.Al@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Evans, DavidA[Evans.DavidA@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 2:56:07 PM  
**Subject:** RE: When are pens down on cpp package. I heard it's going today

The most recent info I have is from yesterday afternoon. At that point we were told it was going over Friday. We have not been given any change to that schedule.

-----Original Message-----

From: McGartland, Al  
Sent: Thursday, June 01, 2017 10:07 AM  
To: Sasser, Erika <Sasser.Erika@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>  
Subject: When are pens down on cpp package. I heard it's going today

Sent from my iPhone

**To:** Sasser, Erika[Sasser.Erika@epa.gov]  
**Cc:** Keating, Martha[keating.martha@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Kopits, Elizabeth[Kopits.Elizabeth@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 6/1/2017 12:05:52 AM  
**Subject:** Re: CPP EO section

Thanks Erika,

I will coordinate with Al in the morning

Sent from my iPhone

On May 31, 2017, at 5:34 PM, Sasser, Erika <Sasser.Erika@epa.gov> wrote:

Hi Kevin—

Attached is the revised draft of the section that includes:

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

I've talked with Al  
and he will coordinate OP review.

## **Ex. 5 - Deliberative Process**

Thanks

<EJ and Children EOs\_ver3\_5-31-2017.docx>

**To:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/31/2017 3:04:13 PM  
**Subject:** When you get a chance, wanted to touch base on CPP

Wanted to make sure we were on the same page about what the current version is (as far as I know people are reviewing the Friday version, but no one has started making edits too it?).

- Kevin

**To:** Sasser, Erika[Sasser.Erika@epa.gov]  
**Cc:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/31/2017 3:01:32 PM  
**Subject:** CPP

## Ex. 5 - Deliberative Process

- Kevin

**To:** Sasser, Erika[Sasser.Erika@epa.gov]  
**Cc:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Page, Steve[Page.Steve@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/31/2017 1:02:31 PM  
**Subject:** Re: Follow-up to my voice-mails

Sounds good. I will call you later this morning.

Sent from my iPhone

On May 30, 2017, at 9:05 PM, Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)> wrote:

Thanks, let's talk tomorrow morning. Couple of quick points:

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Thanks

We need to talk tomorrow about schedule on all this.

**From:** Culligan, Kevin  
**Sent:** Tuesday, May 30, 2017 5:57 PM  
**To:** Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>

**Cc:** Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>

**Subject:** Follow-up to my voice-mails

Erika,

## Ex. 5 - Deliberative Process

Thanks. Also, if you want to follow up earlier, feel free to use my cell

Ex. 6 - Personal Privacy

## Ex. 6 - Personal Privacy

- Kevin

**Cc:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; South, Peter[South.Peter@epa.gov]  
**To:** Page, Steve[Page.Steve@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 5/26/2017 2:07:04 PM  
**Subject:** CPP Recission FR Notice  
[EO12866 CPP Recission 2060-AT55 Proposal 5-26.docx](#)

Steve,

Mike asked me to send you the updated version of the CPP preamble as well as a

## Ex. 5 - Deliberative Process

- Kevin

**To:** Macpherson, Alex[Macpherson.Alex@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 5/25/2017 8:42:49 PM  
**Subject:** RE: Shared CPP Document

Do you anticipate making any more changes?

**From:** Macpherson, Alex  
**Sent:** Thursday, May 25, 2017 8:55 AM  
**To:** Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Cc:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: Shared CPP Document

Elyse

Thanks. Can you make sure Brian Keaveny has access to please? He has been working on it.

Alex

**From:** Steiner, Elyse  
**Sent:** Thursday, May 25, 2017 8:54 AM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>  
**Cc:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Shared CPP Document

Alex,

There's a new draft of the CPP repeal proposal on SharePoint. You should have gotten the link in a separate e-mail. I understand from Kevin that you will be working on

Ex. 5 - Deliberative Process

Let me know if you have questions. Thanks,

Ex. 5 - Deliberative Process

Elyse

**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**Cc:** Johnson, Tanya[Johnson.Tanya@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 5/25/2017 6:17:46 PM  
**Subject:** Imagine you are in the all hands

And see you have meetings til 5:00 after that. Any chance I can have 5 minutes to check in on CPP?

**To:** Ashley, Jackie[Ashley.Jackie@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 5/25/2017 2:11:18 PM  
**Subject:** FW: First of two



CPP Proposal.FR Notice.5.18 WITH BOILERPLATE.docx

**From:** Steiner, Elyse  
**Sent:** Wednesday, May 24, 2017 1:48 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>  
**Subject:** RE: First of two

Here's a new draft with **Ex. 5 - Deliberative Process** and I've shared the Sharepoint file—you should have an e-mail with the link. There are still formatting and consistency issues.

Janet—do you want to take the next crack at it? Or let me know if there are certain things I can help with. If you could work on Sharepoint (not the attachment which is just for redundancy), then we can all keep reviewing and won't run into version problems. Just remember to save periodically to see/share the edits.

Let me know if you have questions. Thanks,

Elyse

**From:** Culligan, Kevin  
**Sent:** Wednesday, May 24, 2017 9:57 AM  
**To:** Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** First of two

---

**From:** Tsirigotis, Peter  
**Sent:** Tuesday, May 23, 2017 4:51 PM  
**To:** Culligan, Kevin  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Begin forwarded message:

**From:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Date:** May 23, 2017 at 4:16:59 PM EDT  
**To:** "Harvey, Reid" <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>, "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Here is the draft from OGC on CPP. I believe they now are passing the pen back to us by this transmission.

I will forward another note that is asking us to make further changes to this attached version. I hope we can go back to working directly with OGC on back and forths on this moving forward.

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** May 23, 2017 at 2:53:43 PM EDT  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Last draft from OGC is attached.

Sent from my iPhone

Begin forwarded message:

**From:** "Schwab, Justin" <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Date:** May 18, 2017 at 1:04:00 PM EDT  
**To:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>, "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** "Brown, Byron" <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>, "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>, "Fotouhi, David" <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Subject:** CPP draft withdrawal (legal argument)

Dear All,

## Ex. 5 - Deliberative Process

Mandy/OP, this is ready for OAR/OP to build out into a full draft FR notice. OGC/ARLO should take a final look at the integrated document prior to transmission to OMB.

## Ex. 5 - Deliberative Process

Please let me know if you have any questions.

Best,

Justin

**Cc:** Sasser, Erika[Sasser.Erika@epa.gov]  
**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/24/2017 3:59:19 PM  
**Subject:** Fw: CPP Update

Erika and Alex are chatting at 12:45, then I will talk with both of them at 3:00. Based on: **Ex. 5 - Deliberative Process**

---

**From:** Dunham, Sarah  
**Sent:** Wednesday, May 24, 2017 11:11 AM  
**To:** Page, Steve; Harvey, Reid; Tsirigotis, Peter; Culligan, Kevin; Sasser, Erika  
**Cc:** Lewis, Josh  
**Subject:** FW: CPP Update

FYI, and is this possible: **Ex. 6 - Personal Privacy**

**From:** Dravis, Samantha  
**Sent:** Wednesday, May 24, 2017 10:58 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Subject:** CPP Update  
**Importance:** High

All:

Thank you for your patience and work on the CPP rescission. I know that there are concerns that we have enough time to complete the RIA and other review work that needs to happen. We've discussed internally and would like to set a goal of submitting everything over to OMB on Tuesday, May 30<sup>th</sup>, after the holiday weekend. I am requesting that the political team be given the latest version of drafts to review no later than Thursday COB.

Hopefully this will be a workable timetable, but please let me know if concerns about the time frame remain or if there are outstanding questions I can answer.

Best,

Samantha

**To:** Cozzie, David[Cozzie.David@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/24/2017 3:48:07 PM  
**Subject:** Re: O&G NPRM SAN 5719.10

Thanks all.

---

**From:** Cozzie, David  
**Sent:** Wednesday, May 24, 2017 11:46 AM  
**To:** Eck, Janet; Thompson, Lisa; Culligan, Kevin  
**Subject:** RE: O&G NPRM SAN 5719.10

### Ex. 5 - Deliberative Process

**From:** Eck, Janet  
**Sent:** Wednesday, May 24, 2017 11:14 AM  
**To:** Thompson, Lisa <Thompson.Lisa@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: O&G NPRM SAN 5719.10  
**Importance:** High

## Ex. 5 - Deliberative Process

**From:** Eck, Janet  
**Sent:** Wednesday, May 24, 2017 10:12 AM  
**To:** Thompson, Lisa <Thompson.Lisa@epa.gov>  
**Cc:** Cozzie, David <Cozzie.David@epa.gov>  
**Subject:** RE: O&G NPRM SAN 5719.10

I spoke w/Kevin. He is going to speak w/Peter. Thanks.

**From:** Eck, Janet  
**Sent:** Wednesday, May 24, 2017 10:04 AM

**To:** Thompson, Lisa <[Thompson.Lisa@epa.gov](mailto:Thompson.Lisa@epa.gov)>  
**Cc:** Cozzie, David <[Cozzie.David@epa.gov](mailto:Cozzie.David@epa.gov)>  
**Subject:** RE: O&G NPRM SAN 5719.10

Hi Lisa, If Kevin isn't responding, check w/Jan Gilbreath. Thanks.

**From:** Thompson, Lisa  
**Sent:** Wednesday, May 24, 2017 8:38 AM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**Cc:** Cozzie, David <[Cozzie.David@epa.gov](mailto:Cozzie.David@epa.gov)>  
**Subject:** RE: O&G NPRM SAN 5719.10

Janet – **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**From:** Eck, Janet  
**Sent:** Wednesday, May 24, 2017 8:36 AM  
**To:** Thompson, Lisa <[Thompson.Lisa@epa.gov](mailto:Thompson.Lisa@epa.gov)>  
**Cc:** Cozzie, David <[Cozzie.David@epa.gov](mailto:Cozzie.David@epa.gov)>  
**Subject:** FW: O&G NPRM SAN 5719.10

Hi Lisa, See below. Thanks.

**From:** Henigin, Mary  
**Sent:** Wednesday, May 24, 2017 7:56 AM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**Cc:** Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** O&G NPRM SAN 5719.10

Janet, **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process** Will you please revise and send back to us.

**Ex. 5 - Deliberative Process**

Thank you

Mary

**From:** Henigin, Mary

**Sent:** Tuesday, May 23, 2017 4:15 PM

**To:** Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>

**Cc:** Brown, Stephanie N. <[Brown.StephanieN@epa.gov](mailto:Brown.StephanieN@epa.gov)>; Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>

**Subject:** Re: One quick change requested on page 1 of SAN 5719.10

Thanks Stephanie.

Mary

On May 23, 2017, at 4:00 PM, Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)> wrote:

Okay,

Please reply all to this email because I have included Mary! Thanks!

Amber Iglesias

On May 23, 2017, at 3:49 PM, Brown, Stephanie N. <[Brown.StephanieN@epa.gov](mailto:Brown.StephanieN@epa.gov)> wrote:

Hi Alan & Amber,

Please hold off on bringing a revised CD and hard copies until I've completed my review. I'll inform you once I've completed my review just in case I have edits.

Thanks,

Stephanie

**From:** Gilbreath, Jan  
**Sent:** Tuesday, May 23, 2017 3:45 PM  
**To:** Thompson, Lisa <[Thompson.Lisa@epa.gov](mailto:Thompson.Lisa@epa.gov)>  
**Cc:** Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>;  
Brown, Stephanie N. <[Brown.StephanieN@epa.gov](mailto:Brown.StephanieN@epa.gov)>  
**Subject:** One quick change requested on page 1 of SAN 5719.10

Lisa,

As we discussed, this is Ex. 5 - Deliberative Process in track changes.

Thanks,

Jan

Jan Gilbreath, PhD

U.S. Environmental Protection Agency

Washington, D.C.

202-564-6279

**To:** Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/24/2017 2:00:37 PM  
**Subject:** Second of two  
[cost memo draft 042817.docx](#)  
[ATT00001.htm](#)  
[CPP Proposal.FR Notice.4.21.17.draft.docx](#)  
[ATT00002.htm](#)

---

**From:** Culligan, Kevin  
**Sent:** Friday, May 19, 2017 11:11 AM  
**To:** Macpherson, Alex  
**Subject:** FW: CPP NPR and cost memo

Per my voice-mail, this is what I have as the most up to date version – give me a call when you get a chance and we can talk more.

**From:** Culligan, Kevin  
**Sent:** Tuesday, May 16, 2017 11:38 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Subject:** FW: CPP NPR and cost memo

What went forward – as far as I know this is the most up to date version.

**From:** Tsirigotis, Peter  
**Sent:** Friday, April 28, 2017 5:37 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Fwd: CPP NPR and cost memo

FYI

Begin forwarded message:

**From:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>  
**Date:** April 28, 2017 at 5:27:44 PM EDT  
**To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Bolen,

Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>, "Schmidt, Lorie" <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>, "Zenick, Elliott" <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>, "McGartland, Al" <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>, "Rees, Sarah" <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

Cc: "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>, "Harvey, Reid" <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>, "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>

**Subject: CPP NPR and cost memo**

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo. With regards to the NPR, we worked off a version Lorie sent to us yesterday afternoon (via e-mail at 4:27 PM on Thursday April 27). There are several things worth highlighting:

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

The attached cost savings memo has been reviewed by OAR and OP staff.

Comments, **Ex. 5 - Deliberative Process** and specific direction on any of the items mentioned above (or not mentioned above) are very welcome.

**To:** Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/24/2017 1:57:07 PM  
**Subject:** First of two  
[CPP Proposal.FR Notice.5.18.docx](#)  
[ATT00001.htm](#)

---

**From:** Tsirigotis, Peter  
**Sent:** Tuesday, May 23, 2017 4:51 PM  
**To:** Culligan, Kevin  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Begin forwarded message:

**From:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Date:** May 23, 2017 at 4:16:59 PM EDT  
**To:** "Harvey, Reid" <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>, "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Here is the draft from OGC on CPP. I believe they now are passing the pen back to us by this transmission.

I will forward another note that is asking us to make further changes to this attached version. I hope we can go back to working directly with OGC on back and forths on this moving forward.

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** May 23, 2017 at 2:53:43 PM EDT  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Last draft from OGC is attached.

Sent from my iPhone

Begin forwarded message:

**From:** "Schwab, Justin" <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Date:** May 18, 2017 at 1:04:00 PM EDT  
**To:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>, "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** "Brown, Byron" <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>, "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>, "Fotouhi, David" <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Subject:** CPP draft withdrawal (legal argument)

Dear All,

## Ex. 5 - Deliberative Process

Mandy/OP, this is ready for OAR/OP to build out into a full draft FR notice. OGC/ARLO should take a final look at the integrated document prior to transmission to OMB.

## Ex. 5 - Deliberative Process

Please let me know if you have any questions.

Best,

Justin



**To:** Macpherson, Alex[Macpherson.Alex@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 5/23/2017 9:28:34 PM  
**Subject:** Per my voice-mail  
[CPP Proposal.FR Notice.5.18.docx](#)  
[ATT00001.htm](#)

Current version of withdrawl - can we talk tomorrow? Call me Ex. 6 - Personal Privacy

---

**From:** Tsirigotis, Peter  
**Sent:** Tuesday, May 23, 2017 4:51 PM  
**To:** Culligan, Kevin  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Begin forwarded message:

**From:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Date:** May 23, 2017 at 4:16:59 PM EDT  
**To:** "Harvey, Reid" <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>, "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Here is the draft from OGC on CPP. I believe they now are passing the pen back to us by this transmission.

I will forward another note that is asking us to make further changes to this attached version. I hope we can go back to working directly with OGC on back and forths on this moving forward.

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**Date:** May 23, 2017 at 2:53:43 PM EDT  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** Fwd: CPP draft withdrawal (legal argument)

Last draft from OGC is attached.

Sent from my iPhone

Begin forwarded message:

**From:** "Schwab, Justin" <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Date:** May 18, 2017 at 1:04:00 PM EDT  
**To:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>, "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** "Brown, Byron" <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>, "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>, "Fotouhi, David" <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Subject:** CPP draft withdrawal (legal argument)

Dear All,

## Ex. 5 - Deliberative Process Attorney Client

Mandy/OP, this is ready for OAR/OP to build out into a full draft FR notice. OGC/ARLO should take a final look at the integrated document prior to transmission to OMB.

## Ex. 5 - Deliberative Process

Please let me know if you have any questions.

Best,

Justin

**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 5/19/2017 4:49:53 PM  
**Subject:** RE: CPP

Thanks – Had a good chat with Al.

**From:** Tsirigotis, Peter  
**Sent:** Friday, May 19, 2017 12:23 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Fwd: CPP

Begin forwarded message:

**From:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>  
**Date:** May 18, 2017 at 6:58:41 PM EDT  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>  
**Cc:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Page, Steve" <Page.Steve@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>  
**Subject: Re: CPP**

Hi Samantha-

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

Thanks,

Sarah

On May 17, 2017, at 12:40 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Sarah,

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Thank you for your help with this and please be in touch if you have questions.

Best,

Samantha

**To:** Macpherson, Alex[Macpherson.Alex@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 5/19/2017 3:11:03 PM  
**Subject:** FW: CPP NPR and cost memo  
[cost memo draft 042817.docx](#)  
[ATT00001.htm](#)  
[CPP Proposal.FR Notice.4.21.17.draft.docx](#)  
[ATT00002.htm](#)

Per my voice-mail, this is what I have as the most up to date version – give me a call when you get a chance and we can talk more.

**From:** Culligan, Kevin  
**Sent:** Tuesday, May 16, 2017 11:38 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Subject:** FW: CPP NPR and cost memo

What went forward – as far as I know this is the most up to date version.

**From:** Tsirigotis, Peter  
**Sent:** Friday, April 28, 2017 5:37 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Fwd: CPP NPR and cost memo

FYI

Begin forwarded message:

**From:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>  
**Date:** April 28, 2017 at 5:27:44 PM EDT  
**To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>, "Zenick, Elliott" <Zenick.Elliott@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>, "Rees, Sarah" <rees.sarah@epa.gov>  
**Cc:** "Page, Steve" <Page.Steve@epa.gov>, "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Koerber, Mike" <Koerber.Mike@epa.gov>

**Subject: CPP NPR and cost memo**

Attached are the current version of the CPP rescission NPR and accompanying cost savings memo. With regards to the NPR, we worked off a version Lorie sent to us yesterday afternoon (via e-mail at 4:27 PM on Thursday April 27). There are several things worth highlighting:

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

The attached cost savings memo has been reviewed by OAR and OP staff.

Comments, **Ex. 5 - Deliberative Process** and specific direction on any of the items mentioned above (or not mentioned above) are very welcome.

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 5/18/2017 1:59:29 PM  
**Subject:** RE: CPP

Thanks for forwarding. Give me a call if you've got a chance. 1:30 to 3:00 is best or tomorrow any time. Not urgent so could slip to next week without a problem.

**From:** Harvey, Reid  
**Sent:** Wednesday, May 17, 2017 2:18 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** FW: CPP

Fyi – in case others didn't send to you.

**From:** Dunham, Sarah  
**Sent:** Wednesday, May 17, 2017 12:05 PM  
**To:** Page, Steve <Page.Steve@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>  
**Cc:** DeMocker, Jim <DeMocker.Jim@epa.gov>  
**Subject:** Fwd: CPP

See below.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Dravis, Samantha" <dravis.samantha@epa.gov>  
**Date:** May 17, 2017 at 11:40:42 AM CDT  
**To:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>  
**Cc:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>  
**Subject:** CPP

Sarah,

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Thank you for your help with this and please be in touch if you have questions.

Best,

Samantha

**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Conner, Lisa[Conner.Lisa@epa.gov]; Vetter, Rick[Vetter.Rick@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/17/2017 8:32:43 PM  
**Subject:** Report with 4 recommendations that relate to SPPD in e-mail  
[DRAFT Reform Report 08 May \(002\).pdf](#)

## Ex. 5 - Deliberative Process

**To:** Kornylak, Vera S.[Kornylak.Vera@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 5/17/2017 6:16:53 PM  
**Subject:** RE: Kornylak, Vera S. has shared 'DOC Edited Task List OAQPS'  
[DOC Edited Task List OAQPS - kc edits.docx](#)

My stupidity – in my head I was doing it on sharepoint, but actually opened the file in your e-mail.

**From:** Kornylak, Vera S.  
**Sent:** Wednesday, May 17, 2017 1:46 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: Kornylak, Vera S. has shared 'DOC Edited Task List OAQPS'

Hi Kevin, not sure I can see the edits. I sent a version to OP already (they'd asked for something by noon today). I could send your edits forward but I can't quite see them. Feel free to make it on the word doc and save outside sharepoint if it helps.

Vera

Vera Kornylak || Senior Policy Advisor

Air Quality Policy Division || OAQPS

919-541-4067 || [kornylak.vera@epa.gov](mailto:kornylak.vera@epa.gov)

*This message, including attachments, contains information that may be deliberative and confidential, and may be protected by attorney work-product, attorney-client or other applicable privileges. Further, this message, including attachments, may be exempt from disclosure by the U.S. EPA under applicable law. This message, including attachments, is intended to be conveyed only to the named recipient(s). If you received this message in error, or if you are not the intended recipient, please notify the sender listed above and delete the message from your system immediately. The unauthorized use, dissemination, distribution or reproduction of this message, including attachments, by unintended recipients is prohibited and may be unlawful.*

**From:** Culligan, Kevin  
**Sent:** Wednesday, May 17, 2017 1:40 PM  
**To:** Kornylak, Vera S. <[Kornylak.Vera@epa.gov](mailto:Kornylak.Vera@epa.gov)>  
**Subject:** RE: Kornylak, Vera S. has shared 'DOC Edited Task List OAQPS'

I've made edits marked in red-line/strikeout. Happy to discuss.

**From:** Kornylak, Vera S. [<mailto:no-reply@sharepointonline.com>]  
**Sent:** Wednesday, May 17, 2017 9:50 AM  
**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Doster, Brian <[Doster.Brian@epa.gov](mailto:Doster.Brian@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Rao, Raj <[Rao.Raj@epa.gov](mailto:Rao.Raj@epa.gov)>; Santiago, Juan <[Santiago.Juan@epa.gov](mailto:Santiago.Juan@epa.gov)>; Svendsgaard, Dave <[Svendsgaard.Dave@epa.gov](mailto:Svendsgaard.Dave@epa.gov)>; Weatherhead, Darryl <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>; Wood, Anna <[Wood.Anna@epa.gov](mailto:Wood.Anna@epa.gov)>; Lee, Michael <[lee.michaelg@epa.gov](mailto:lee.michaelg@epa.gov)>  
**Cc:** Kornylak, Vera S. <[Kornylak.Vera@epa.gov](mailto:Kornylak.Vera@epa.gov)>  
**Subject:** Kornylak, Vera S. has shared 'DOC Edited Task List OAQPS'

Here's the document that Kornylak, Vera S. shared with you.

Open [DOC Edited Task List OAQPS.docx](#)

See more related to [Kornylak, Vera S.](#) in Delve.



[Get the SharePoint mobile app!](#)



**To:** Bryson, Joe[Bryson.Joe@epa.gov]  
**From:** Culligan.Kevin@epa.gov  
**Sent:** Thur 7/6/2017 6:14:14 PM  
**Subject:** Re: few minutes to chat?

Call me before 3:30. 202-Ex. 6 - Personal Privacy

Sent from my iPhone

On Jul 6, 2017, at 12:30 PM, Bryson, Joe <[Bryson.Joe@epa.gov](mailto:Bryson.Joe@epa.gov)> wrote:

Hey Kevin,

Do you have 10 minutes to chat some time. Today would be best but tomorrow late morning or later could also work.

I want your informal read on CPP Repeal-related stuff ... e.g.,

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

I'm running out for food but am around and free from 12:50pm today or later. Name a time and #, if you can, and I'll give you a call.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

**To:** Jordan, Scott[Jordan.Scott@epa.gov]  
**Cc:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Eck, Janet  
**Sent:** Thur 3/30/2017 12:50:46 PM  
**Subject:** RE: Please update ADP - withdrawing clean power plan rules from Reg Agenda

Hi Scott, Below are the three current abstracts. They may help you to kraft something that will close out each action. Thanks for your help w/this Scott.

Model Trading Rules

## **Ex. 5 - Deliberative Process**

Federal Plan

## **Ex. 5 - Deliberative Process**

CEIP

## **Ex. 5 - Deliberative Process**

**From:** Jordan, Scott  
**Sent:** Thursday, March 30, 2017 6:18 AM  
**To:** Eck, Janet <Eck.Janet@epa.gov>  
**Cc:** Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Subject:** Re: Please update ADP - withdrawing clean power plan rules from Reg Agenda

## Ex. 5 - Deliberative Process

I am working **Ex. 6 - Personal Privacy**

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

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**From:** Eck, Janet  
**Sent:** Wednesday, March 29, 2017 4:22 PM  
**To:** Jordan, Scott  
**Cc:** Zenick, Elliott  
**Subject:** FW: Please update ADP - withdrawing clean power plan rules from Reg Agenda

Hi Scott, Elliott **Ex. 6 - Personal Privacy** so he recommended I speak w/you about updating the abstracts for the Reg Agenda entries on the actions that were withdrawn yesterday. Would you be able to help w/this? See below. Thanks.

**From:** Eck, Janet

**Sent:** Wednesday, March 29, 2017 4:08 PM  
**To:** Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>  
**Subject:** FW: Please update ADP - withdrawing clean power plan rules from Reg Agenda

Hi Elliott, OP is asking us to correct the Reg Agenda for the actions that have been withdrawn: Model Trading Rules (SAN 5548), Federal Plan (5548.1), and the CEIP (SAN 5888). (See the message below from Nicole Owens.) They are now marked as pending, but I will need to change this to completed in the Agenda and also provide an updated abstract for each. Peter T. suggested I reach out to you for the recommended abstracts. If you are not the correct POC that can help w/this, do you have someone that you would be able to recommend? Thanks for your help.

**From:** Rush, Alan  
**Sent:** Wednesday, March 29, 2017 3:04 PM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**Cc:** Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** FW: Please update ADP - withdrawing clean power plan rules from Reg Agenda

Janet,

OP has asked that we move the following rules from Pending to Completed, and they want it done with new abstracts today.

Alan

**From:** Iglesias, Amber  
**Sent:** Wednesday, March 29, 2017 3:00 PM  
**To:** Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>  
**Cc:** Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>  
**Subject:** FW: Please update ADP - withdrawing clean power plan rules from Reg Agenda

**From:** Cyran, Carissa  
**Sent:** Wednesday, March 29, 2017 2:59 PM

**To:** Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>;  
Clarke, Deirdre <[clarke.deirdre@epa.gov](mailto:clarke.deirdre@epa.gov)>; VonDemHagen, Rebecca  
<[VonDemHagen.Rebecca@epa.gov](mailto:VonDemHagen.Rebecca@epa.gov)>  
**Subject:** Please update ADP - withdrawing clean power plan rules from Reg Agenda

Hello,

OP has asked that we update ADP for the Model trading rules, CEIP and the Federal Plan. Can you please update the status and abstracts?

Let me know if you have any questions or if I can help in any way.

Thank you,

Carissa

**From:** Owens, Nicole  
**Sent:** Wednesday, March 29, 2017 1:09 PM  
**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Farrar, Wanda <[farrar.wanda@epa.gov](mailto:farrar.wanda@epa.gov)>; Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>  
**Cc:** Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>; Curry, Bridgid <[Curry.Bridgid@epa.gov](mailto:Curry.Bridgid@epa.gov)>  
**Subject:** withdrawing clean power plan rules from Reg Agenda

Clean Power Plan Model Trading Rules

SAN: 5832 | RIN: 2060-AS47

Clean Energy Incentive Program (CEIP)

SAN: 5888 | RIN: 2060-AS84

Federal Plan

SAN: 5832.1 | RIN: 2060-AS78

Hello –

Based on the notice being published on Tuesday,

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Can you all work on abstracts today? They should basically reflect the notice.

Thanks,

Nicole

**To:** Jordan, Scott[Jordan.Scott@epa.gov]  
**From:** Zenick, Elliott  
**Sent:** Mon 7/10/2017 3:50:30 PM  
**Subject:** if you have not seen it

<https://insideepa.com/daily-news/epa-expected-cite-112-exclusion-cpp-repeal-exempt-coal-plants>

**To:** Allnutt, David[Allnutt.David@epa.gov]; Anderson, Lea[anderson.lea@epa.gov]; Anderson, Steve[Anderson.Steve@epa.gov]; Aranda, Amber[aranda.amber@epa.gov]; Averbach, Jonathan[Averbach.Jonathan@epa.gov]; Belser, Evan[Belser.Evan@epa.gov]; Bianco, Karen[Bianco.Karen@epa.gov]; Branning, Amy[Branning.Amy@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Chapman, Apple[Chapman.Apple@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Crum, Lynda[Crum.Lynda@epa.gov]; Crystal, Roy[crystal.roy@epa.gov]; Davis, Julian[davis.julian@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]; Dierker, Carl[Dierker.Carl@epa.gov]; Dolph, Becky[Dolph.Becky@epa.gov]; Doster, Brian[Doster.Brian@epa.gov]; Dubey, Susmita[dubey.susmita@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Frey, Bert[frey.bertram@epa.gov]; Froikin, Sara[Froikin.Sara@epa.gov]; Graham, Cheryl[Graham.Cheryl@epa.gov]; Harrison, Ben[Harrison.Ben@epa.gov]; Hoffman, Howard[hoffman.howard@epa.gov]; Hogan, Stephanie[Hogan.Stephanie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Igoe, Sheila[igoe.Sheila@epa.gov]; Jordan, Scott[Jordan.Scott@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Klepp, Robert[Klepp.Robert@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Lee, Michael[lee.michaelg@epa.gov]; Lovett, Lauren[Lovett.Lauren@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Manners, Mary[manners.mary@epa.gov]; Marks, Matthew[Marks.Matthew@epa.gov]; Matthews, Julie[Matthews.Juliane@epa.gov]; McConkey, Diane[Mcconkey.Diane@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]; Morgan, Jeanette[Morgan.Jeanette@epa.gov]; Muller, Sheldon[Muller.Sheldon@epa.gov]; Nguyen, Quoc[Nguyen.Quoc@epa.gov]; Adair, Jocelyn[Adair.Jocelyn@epa.gov]; Odendahl, Steve[Odendahl.Steve@epa.gov]; Okoye, Winifred[Okoye.Winifred@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Pastorkovich, Anne-Marie[Pastorkovich.Anne-Marie@epa.gov]; Rodman, Sonja[Rodman.Sonja@epa.gov]; Rowland, John[Rowland.John@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Senn, John[Senn.John@epa.gov]; Smith, Kristi[Smith.Kristi@epa.gov]; Snyder, Doug[Snyder.Doug@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Thrift, Mike[thrift.mike@epa.gov]; Tierney, Jan[tierney.jan@epa.gov]; Ting, Kaytrue[Ting.Kaytrue@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Versace, Paul[Versace.Paul@epa.gov]; Vetter, Rick[Vetter.Rick@epa.gov]; Walker, Mike[Walker.Mike@epa.gov]; Ward, W. Robert[Ward.Robert@epa.gov]; Werner, Jacqueline[Werner.Jacqueline@epa.gov]; Wilcox, Geoffrey[wilcox.geoffrey@epa.gov]; Williams, Melina[Williams.Melina@epa.gov]; Williamson, Timothy[Williamson.Tim@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Wills, Jennifer[Wills.Jennifer@epa.gov]; Blake, Wendy[Blake.Wendy@epa.gov]; Schramm, Daniel[Schramm.Daniel@epa.gov]; Vergeront, Julie[Vergeront.Julie@epa.gov]; Tozzi, Lauren[Tozzi.Lauren@epa.gov]; Pilchen, Zach[Pilchen.Zach@epa.gov]; Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]; Vijayan, Abi[Vijayan.Abi@epa.gov]; Walker, Denise[Walker.Denise@epa.gov]; Caballero, Kathryn[Caballero.Kathryn@epa.gov]; Thompson, Christopher[Thompson.Christopher@epa.gov]; Williams, Christopher[Williams.Christopher@epa.gov]; Michaels, Lauren[Michaels.Lauren@epa.gov]; Nguyen, Duch[Nguyen.Duch@epa.gov]; Jordan, Deborah[Jordan.Deborah@epa.gov]; Charlton, Tom[Charlton.Tom@epa.gov]; Kulschinsky, Edward[Kulschinsky.Edward@epa.gov]; Portmess, Jessica[Portmess.Jessica@epa.gov]; Kaminer, Joan[Kaminer.Joan@epa.gov]; Kryman, Matthew[Kryman.Matthew@epa.gov]; Greenglass, Nora[Greenglass.Nora@epa.gov]; Spina, Providence[Spina.Providence@epa.gov]; Palmer, Karen[Palmer.Karen@epa.gov]; Seidman, Emily[seidman.emily@epa.gov]; Conrad, Daniel[conrad.daniel@epa.gov]; OGC FEAT[OGC\_FEAT@epa.gov]; Hindin, David[Hindin.David@epa.gov]; Sullivan, Tim[Sullivan.Tim@epa.gov]; Carrillo, Andrea[Carrillo.Andrea@epa.gov]; Krallman, John[krallman.john@epa.gov]; Mastro, Donna[Mastro.Donna@epa.gov]; Kane, Eleanor[kane.eleanor@epa.gov]; Ng, Brian[Ng.Brian@epa.gov]; Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Spiegelman, Nina[Spiegelman.Nina@epa.gov]; Kodish, Jeff[Kodish.Jeff@epa.gov]; Dugan, Brett[Dugan.Brett@epa.gov]; Yap, Jacqueline[yap.jacqueline@epa.gov]; Pierce, Alexandria[pierce.alexandria@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Buchsbaum, Seth[buchsbaum.seth@epa.gov]

**From:** OGCLibrary

**Sent:** Mon 7/10/2017 3:36:29 PM  
**Subject:** Air & Radiation Law News for July 10, 2017



## Air & Radiation Law News for July 10, 2017

### Bloomberg Daily Environment Report™ BNA

#### Leading the News

##### *General Policy*

##### Week Ahead: Senate Expected to Confirm New Regulatory Chief

The Trump administration's pick for chief regulatory officer is expected to win Senate confirmation, one of several developments on environment and energy issues during the week of July 10.

##### *Regulatory Policy*

##### EPA Defeat on Methane Could Hinder Other Regulatory Rollbacks

A defeat in court of the EPA's plan to postpone methane standards for oil and gas wells could bolster challenges to delays of emissions limits for landfills and regulations for new chemical plant security.

#### News

##### *Air Pollution*

**Ex-Audi Manager Charged in U.S. Over VW Emissions Scandal**

Munich prosecutors arrested a former manager at Volkswagen AG's Audi unit in a probe of the diesel-emissions scandal three days before he was charged by the U.S. Justice Department, two people familiar with the case said.

***Air Pollution*****Los Angeles Refineries to Pay More for Excessive Flaring**

Los Angeles area oil refineries face higher fees for unplanned and repeat flaring events under a new local regulation.

***Cybersecurity*****Russians Are Said to Be Suspects in Nuclear Site Hackings**

Hackers working for a foreign government recently breached at least a dozen U.S. power plants, including the Wolf Creek nuclear facility in Kansas, according to current and former U.S. officials, sparking concerns the attackers were searching for vulnerabilities in the electrical grid.

***Energy*****Cooler Efficiency Rule Issued, Others on Ice at Energy Agency**

It was a welcome breath of cold air for refrigeration companies and energy efficiency advocates when the Energy Department released a walk-in cooler and freezer energy efficiency standard that was held at the end of the Obama administration.

***Energy*****Germany Extends Tax Breaks for Natural Gas Production**

A plan to extend significant tax breaks for production of both natural gas and liquefied petroleum gas through 2023 was approved July 7 by German lawmakers, who deemed the measure deemed necessary for the country's problematic transportation sector.

***Energy*****Germany Moves to Equalize Consumer Electric Grid Costs**

The upper house of the German Parliament, the Bundesrat, passed a bill July 7 that clears the way for the government to harmonize long-distance electricity transmission costs across the country by 2023, a move many welcome but say comes too late at too high a cost.

***Energy*****Millennials and Their iPhones Are Killing Traditional Utilities**

It won't be long, experts say, before the average Londoner will be able to program her day to start this way:

***International Climate*****China, EU Bolster Greener Global Shipping to Curb Emissions**

The trillion-dollar global shipping industry may soon be forced to curb greenhouse gas emissions under new rules backed by the European Union and China.

***Renewable Energy*****Tesla to Build World's Largest Energy Storage Battery in Australia**

Tesla will install the world's largest energy storage battery in South Australia and will get the job done in 100 days, Premier Jay Weatherill announced July 7.

***Sustainability*****EU Lawmakers Seek to Promote More Durable Consumer Products**

European lawmakers want the European Union to take steps to promote more durable and more easily repairable consumer products, in order to reduce waste and conserve resources.

***Vehicle Fuels*****France Aims to End Sale of Fossil Fuel-Powered Cars by 2040**

France plans to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation, Energy Minister Nicolas Hulot said, effectively promoting electric cars.

#### *Vehicle Fuels*

#### Late to the Battery-Car Race, VW Says It Can Still Blunt Tesla

Volkswagen AG will start deliveries of its first standalone battery-powered models in 2020, around the time that Tesla Inc. wants to hand over 1 million vehicles a year. So why does the German carmaker think it can stop the U.S. electric-auto pioneer in its tracks?

### Hill Watch

#### Hill Watch: Climate Regulation

The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

#### Hill Watch: Coal Mining

#### Hill Watch: Energy

#### Hill Watch: Science Policy

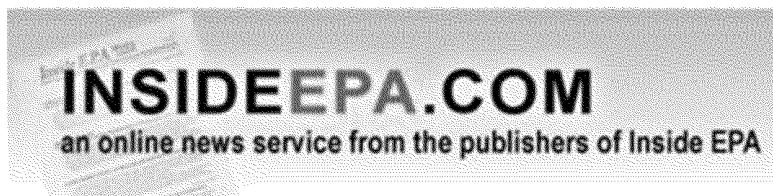
### Regulatory Agenda

#### TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory Alert™ <http://news.bna.com/frmn/>.

#### TODAY'S STATE REGISTERS

NOTICE. State Register summaries are published as part of EHS State Regulatory Alert™ <http://news.bna.com/srmn/>.



#### TRUMP'S EPA: Agency at a crossroads -- Complete coverage

#### Latest News

#### Citing Industry Risk, EPA Asks Court To Recall Methane NSPS Vacatur

EPA is urging the federal appellate court panel that vacated its administrative stay of Obama-era

methane standards for new oil and gas sources to recall its mandate for the agency to immediately lift the stay, particularly as EPA is evaluating options for appeal, suggesting the immediate nature of the court's mandate places industry at risk.

### **Court Vacatur Of EPA Methane NSPS Stay Leaves Oil & Gas Sector In Limbo**

The recent federal appellate court ruling vacating EPA's 90-day administrative stay of Obama-era methane standards for new oil and gas sources is leaving the industry in regulatory limbo and vulnerable to citizen suits, with the rule's compliance deadlines restarting even as EPA advances what some see as a legally risky proposal to delay the regulation by an additional two years.

### **EPA Expected To Cite '112 Exclusion' In CPP Repeal To Exempt Coal Plants**

The draft EPA proposal to repeal the Clean Power Plan (CPP) currently under review by the White House is thought to include as one justification for rolling back the Obama-era rule the argument that EPA is barred from regulating coal plants' greenhouse gases under section 111(d) of the Clean Air Act because it already regulates their air toxics under section 112.

## **Daily Feed**

### **States seek to intervene in defense of 2015 ozone NAAQS**

Democrat-led states say the Trump EPA's hostility to the 2015 ozone rule requires them to intervene in order to take up defending the policy.

### **Senate Democrats seek GAO review of EPA's advisory panels**

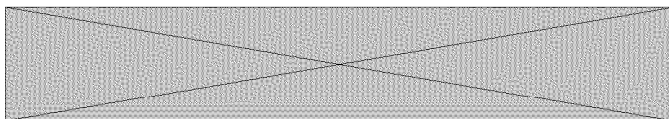
"To be effective, these advisory committees must be -- and, just as importantly, be perceived as being -- independent and balanced," the senators wrote in their letter to GAO.

### **Ewire: House appropris chair under pressure to boost EPA funds**

EPA's FY18 budget may be a factor in Rep. Rodney Frelinghuysen's (R-NJ) re-election bid next year.

### **States challenge methane rule delay**

The states' challenge to BLM's methane rule delay may be buoyed by recent rulings backing challenges to Trump EPA rule delays.



## **WHITE HOUSE**

### **Meet Trump's G-20 'Sherpa'**

Hannah Northey and Jean Chemnick, E&E News reporters

Published: Friday, July 7, 2017



(Left to right) Former Trade Representative for the Americas Everett Eissenstat and U.S. Chargé D'Affaires to Uruguay James Nealon discussed trade issues during a 2006 trip to Uruguay. U.S. Embassy in Uruguay

As President Trump faces other leaders at the Group of 20 summit in Germany this week, his new "Sherpa" will do the heavy dealmaking behind the scenes on everything from trade to climate and energy.

The goal for Everett Eissenstat, a trade expert with deep Republican connections on Capitol Hill: Please the president without alienating the rest of the world.

Eissenstat, Trump's negotiator at the summit, has spent the past several days negotiating the text for a communiqué Trump and other world leaders are expected to sign in Hamburg tomorrow.

And there's still a long way to go.

Late-night discussions the last two nights on issues ranging from trade to climate change have broken down without Eissenstat and his foreign counterparts agreeing on language.

And today, Trump skipped key negotiations on the climate and energy part of the text for an already-scheduled bilateral meeting with Russian President Vladimir Putin. That means Eissenstat is due for a late night again tonight, hammering out that and other points of disagreement.

Eissenstat's starring role in behind-the-scenes dealmaking emerged last month after the White House ousted his predecessor as Sherpa, Kenneth Juster, who was pushed aside before the Group of Seven summit in Sicily. Juster reportedly clashed with the more nationalist wing of Trump's White House led by chief strategist Steve Bannon but is expected to be nominated for an ambassadorship.

National Economic Council Director Gary Cohn, who is Eissenstat's boss, led negotiations in Sicily, which occurred before Trump announced on June 1 that the United States would not remain part of the Paris climate deal.

Now, with the United States withdrawing from the Paris accord, the German presidency of the G-20 is working toward a communiqué that acknowledges that decision while showing that the rest of the world is resolved to stay the course on Paris implementation.

It has been a difficult job for Eissenstat, and it isn't over yet.

Trump's team, which includes Eissenstat, originally proposed language in a draft dated July 3 that would have said the United States was committed to a "global approach" to address climate change, but the Germans and others rejected that language because they thought it left the door open for a Paris renegotiation, which they say is a non-starter.

Sherpas are now discussing language proposed by the United States that says "given the importance of energy access and security in the nationally determined contributions of other countries, the United States of America will endeavor to work closely with other partners to improve their access to and use of fossil fuels more cleanly and efficiently, and help deploy renewable and other clean energy sources."

U.S. experts say there are a variety of problems with this proposed language, which will continue to be negotiated into the wee hours of the morning by Eissenstat and his counterparts.

Andrew Light, a distinguished fellow at the World Resources Institute, said the negotiators from other countries were wrong to swap the reference to a "global approach" for a reaffirmation of the need for fossil fuels going forward.

Alden Meyer, the strategic and policy director of the Union of Concerned Scientists, said the new language seems to hint that energy access and security is more important to the other 19 members of the G-20 than climate action is — not at all the message German Chancellor Angela Merkel hoped to send at this week's summit.

"This is causing a lot of heartburn and pushback from a number of countries, and I'm sure this will be one of the topics of negotiation," he said, though he noted that Trump's tête-à-tête with Putin might make it difficult for the leaders to iron out differences today.

The Germans hope the communiqué and a separate climate and energy action plan will reflect that, while Trump has pulled the United States out of the Paris deal, other countries are continuing to take action to combat climate change. That means holding together a coalition of other countries that include Saudi Arabia, Russia and others that have sometimes parted ways with Europe on climate and energy. So far in the negotiations, it appears that the "G-19" is holding firm.

Before joining the administration, Eissenstat had a lengthy career on and off Capitol Hill in trade policy. In 2011, he began serving as the Senate Finance Committee's chief international trade counsel under Republican Sen. Orrin Hatch of Utah, earning the reputation as a "pro-trade kind of guy," according to sources.

He also served as assistant U.S. trade representative for the Western Hemisphere and worked as a legislative director for former Rep. Jim Kolbe (R-Ariz.).

While it's unclear what Eissenstat would bring to energy and climate discussions, Hatch has pushed back against efforts to tax carbon and backed Trump's decision to withdraw from the Paris pact.

## Q&A

### Ex-Obama EPA official on Scott Pruitt, Huck Finn, blues harp

Arianna Skibell, E&E News reporter

Published: Friday, July 7, 2017



Climate scholar and environmental lawyer Rob Verchick is the current president of the Center for Progressive Reform. Rob Verchick

Environmental lawyer Rob Verchick isn't optimistic about the state of global efforts to slash carbon emissions, but he still has hope.

While the two seem contradictory, U.S. EPA's former deputy associate administrator for policy under President Obama makes a nuanced distinction.

## E&E SERIES



Energy and environmental newsmakers dish on politics, pet peeves and their TV addictions. [Click here](#) to read more stories in this series.

Optimism, he said, means believing good news is more likely than bad, while hope means believing there's still a chance.

"And as long as there's hope, then there is a duty to pursue the goal," he said in a recent interview with E&E News.

Now the president of the nonprofit Center for Progressive Reform, Verchick was living in New Orleans with his wife and children when Hurricane Katrina hit in 2005. His home was flooded, and his family was evacuated.

The disaster spurred a shift in his research focus to climate change adaptation.

Disaster policy was then an underdeveloped area in American law, so Verchick and his colleagues gathered relevant legal tracts from disparate corners that could bear on preparing for, responding to and recovering from disaster. The resulting textbook they wrote is now taught across the country.

"When I made the choice to come back to New Orleans and continue to live there, that was a very deliberate action," he said.

"I decided that if I was going to sign up for it, I was going to be helpful and I was going to spend most of my professional time working on issues related to it."

Verchick, who also served on Obama's Interagency Climate Change Adaptation Task Force, spoke with E&E News about underestimating Trump EPA Administrator Scott Pruitt, Sears menswear, Jacques Cousteau and blues harmonica.

### **How did you become interested in environmental regulation?**

I grew up in Las Vegas in the 1970s. And that's a place that's completely dependent on its environment. It's either working against its environment or it's having to deal with its environment in some way. And I actually love that landscape, it's beautiful. My grandfather was a landscape painter. And we'd go out into the lake and the mountains, and I always loved nature and environment.

### **The Trump administration has promised to roll back a number of environmental regulations. Do you think they'll succeed?**

In the beginning of the administration, I was very hopeful that EPA would not be able to perform the rollbacks that Scott Pruitt wanted. I'm reviving my expectations a little bit. I had thought that Scott Pruitt was less competent in this area than I think he actually is. He's actually more skilled than I gave him credit.

That said, it's going to be really hard. ... What makes it hard for EPA to roll back all this stuff are the courts. The only thing between a clean environment and a polluted environment right now is the strength of those courts. And there's a record number of appointments on the federal bench that the president now has the ability to fill, and of course, we may have more Supreme Court nominations. I do worry about that.

### **What advice do you have for EPA regulators, your former colleagues, under the Trump administration?**

[laughs] Well, I think the EPA staff is extremely savvy and smart, and they know what they're dealing with, both in terms of the physical realities of the environment and in terms of the political reality. If I could give them advice, I would say they should keep their eye on the horizon, on the long term, and be true to the mission of the agency. ... I'm not going to say it's not tough. I just hope that they have strength, the fortitude, the creativity to work through this point in history.

### **What are you working on now?**

I'm working on an article having to do with loss and damage provisions in the Paris Agreement. The [Intergovernmental Panel on Climate Change] is coming up with a special report on the difference

between a world in which we have 1.5-degree climate change and a world in which we have 2-degree climate change. And I was asked to write a piece for a scientific journal in the U.K. about what the difference between those two changes would be in policies designed to address loss and damage in poor countries.

One of the things they started to find out — which is chilling, really — is that the difference between a 1.5-degree increase and a 2-degree increase is, in terms of effects on people, enormous. It may be the difference between having coral in the world and not having coral in the world.

**What was your first job?**

I worked in menswear at Sears. And I tell you what, I look back at that every once in a while, and I think I learned more on that job than on almost any other job. Meeting people of all different walks of life and helping them make decisions that are very important to them in their life. As a 15-year-old, that was quite an eye-opener.

**What did you want to be when you grew up when you were little?**

I wanted to be a marine biologist. I wanted to be one of those guys who scuba dived, like Jacques Cousteau. And a year ago, I finally got certified for scuba diving. I'm over the moon about that.

**Do you have a favorite book?**

I have a lot of favorite books. I think my favorite book still is "Huckleberry Finn." I love the kid, I love the river, I love Jim, the father figure. They're all great.

**Not "Tom Sawyer"?**

Tom Sawyer was a bit of a showoff. He was a showboat.

**What's something about you that might surprise people?**

I'm not good at it at all, but I really like to play the blues harmonica. For Father's Day, my kids totally brought joy into my life when they bought me an electric microphone for my harmonica.

I can do [Robert Johnson's] "Love in Vain" pretty well.

*This interview has been edited and condensed.*

## **BIOFUELS**

### **EPA proposal shines light on hot-button imports**

Marc Heller, E&E News reporter

Published: Friday, July 7, 2017



U.S. EPA this week proposed renewable fuel standard volumes for 2018. Rama/Wikipedia

The Trump administration's proposal not to boost the amount of biodiesel that's blended into fuel in 2019 draws attention to a sensitive point in the country's approach to renewable energy: Companies sometimes rely on imports to meet the renewable fuel law's requirements.

In its proposal, U.S. EPA asked stakeholders for suggestions on how to curb imports, saying that bringing more biodiesel and ethanol into the country might conflict with the program's goal of reducing reliance on foreign fuel.

"Due to their origin outside the United States, imported renewable fuels may not have the same impact on energy independence as those produced domestically," the agency said in Wednesday's proposal, which calls for 2.1 billion gallons of biodiesel in 2019, unchanged from the level mandated for next year.

"EPA is interested in stakeholder views on this topic and on what steps EPA might take to ensure energy independence and security," the agency said.

One possibility, EPA said, is to reduce the amount of biodiesel mixed into the fuel supply under the renewable fuel standard. The agency can do that through a waiver authority Congress granted it in the RFS law, enacted in 2005 and updated in 2007.

The agency could also reduce the overall amounts of advanced biofuel required for 2019, when EPA writes a final rule later this year, the agency said in its proposed [rule](#).

The RFS proposal, open to public comment for 45 days, would also trim the amount of advanced biofuel and hold conventional ethanol about steady for 2018 from this year. Volumes for biodiesel are set two years ahead, while other renewable fuels are typically set the year before they take effect.

Industry groups said that they were surprised EPA delved into the import issue and that officials have limited options for curtailing imports — if that's an important goal, which some groups dispute.

"It's kind of overstated," said Brooke Coleman, executive director of the Advanced Biofuels Business

Council, a trade group.

In the broad picture, little renewable fuel is imported into the United States. California plants import some ethanol because sugar cane from Brazil meets that state's carbon standards. And while imports of biodiesel from countries such as Argentina have risen sharply, they're small in the context of all biofuel in the United States, Coleman said.

In 2016, ethanol imports totaled 46 million gallons, while companies imported 731 million gallons of advanced biodiesel and renewable diesel, EPA said. Most of the diesel, around 561 million gallons, was advanced biodiesel, the agency said, a sharp increase from 382 million gallons imported the prior year.

The agency's statistics show that ethanol imports fell, however, from the prior two years. And ethanol boosters yesterday touted a report showing that U.S. ethanol exports — which far exceed what the country buys elsewhere — remain strong, climbing to 119.2 million gallons in May, a 37 percent increase from April, according to the Renewable Fuels Association.

"Imported ethanol has accounted for less than 1 percent of U.S. consumption for the last three years in a row, and our industry has enjoyed an open and efficient bilateral trade relationship with Brazil and other ethanol-producing nations," said RFA President and CEO Bob Dinneen in a statement.

The relationship with Brazil isn't without complications, though, as that country is considering imposing a 17 percent tariff on imported U.S. ethanol. Brazil's Chamber of Foreign Trade said Wednesday it would delay a decision on that proposal.

In any case, using the RFS to address a matter between the United States and other countries doesn't make much sense, renewable fuel advocates said.

"It's a trade-related issue," Coleman said. "We don't have an RFS import problem. We have a market problem."

Ethanol imports could be resolved by a closer look at how the U.S. and states measure the carbon-related impact of Brazilian sugar cane, Dinneen said. Those imports are attractive, people in the industry say, because California's clean air initiative ranks sugar cane higher than ethanol derived from corn.

The RFA said that approach is outdated and that recent studies suggest corn- and sugar-based ethanol each produce about 40 percent less greenhouse gas emissions than traditional gasoline.

## Groups divided

Imports of biodiesel divide U.S. renewable fuel advocates. The National Biodiesel Board, representing U.S. producers, has fought imports and complains that countries such as Argentina and Indonesia subsidize shipments to the U.S.

The U.S. could dampen imports by switching a federal biodiesel tax benefit from a blender's credit to a producer's credit, the NBB has said. That would limit the benefit to domestic production. The group has support from Sen. Chuck Grassley (R-Iowa) and others, but the proposal doesn't show much immediate sign of advancing.

The tax credit expired in 2016 and could be revived in Congress later this year.

But the Advanced Biofuels Association, representing U.S. and foreign companies, said advanced biofuel is a route to cleaner air, wherever it's made, reducing greenhouse gas emissions by 50 percent compared with gasoline. The ABA has urged Congress to keep the tax credit as it was written.

Oil and gas companies welcomed EPA's request for comments on the imports issue.

The American Fuel and Petrochemical Manufacturers, a trade association for makers of gasoline, diesel and other petroleum-based fuel, praised EPA in a statement by President and CEO Chet Thompson.

Thompson said the group was pleased by EPA's proposed reduction in some biofuels and by indications that the agency "wants to ensure we are not incentivizing imported biofuels over American refined gasoline and diesel."

## REGULATIONS

### Steyer targets Portman-Heitkamp bill

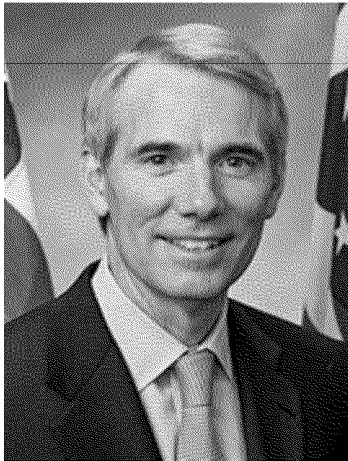
Arianna Skibell, E&E News reporter

Published: Friday, July 7, 2017

Billionaire environmental activist and Democratic super-donor Tom Steyer's NextGen Climate is opposing a bipartisan bill to alter the federal regulatory system.

Steyer and the group For Ohio's Future Action Fund yesterday delivered 380,000 petition signatures to Sen. Rob Portman's (R-Ohio) Cincinnati office opposing his "Regulatory Accountability Act," S. 951.

Steyer told E&E News in March he intended to get involved with the anti-regulatory push, and his opposition to the RAA marks his first major move (Greenwire, March 1).



Sen. Rob Portman (R-Ohio). Senate/Wikipedia

The bill, co-sponsored by Sen. Heidi Heitkamp (D-N.D.), seeks to update the 70-year-old Administrative Procedure Act and would fundamentally change the way agencies promulgate regulations by directing them to find the most "cost-effective" regulatory option and make law the common practice of conducting cost-benefit analyses.

It would also invite early participation by regulated entities. And it would build in a review process for new rules and allow for agency hearings on the costliest actions.

The Senate Homeland Security and Governmental Affairs Committee voted 9-5 to advance the legislation in May. A floor vote has not been scheduled.

While the measure has received much support from business groups like the U.S. Chamber of Commerce, environmentalists and government organizations have lambasted the proposal as anti-regulatory and dangerous. NextGen is the latest in a slew of opposition from the left, including some state attorneys general (*E&E News PM*, June 26).

At a news conference, local leaders yesterday accused Portman of neglecting the interests of Americans for the sake of boosting corporate profits.

"The Republican Party can't hide from the fact that they put corporate interests ahead of the interests of the American people," Steyer said.

"Sen. Portman's blatant attempt to reward his corporate backers at the expense of the American people cannot succeed. The American people are the strongest force in our democracy, and Sen. Portman cannot ignore the hundreds of thousands of Americans who are already speaking out."

Pete McLinden, executive secretary-treasurer of the Cincinnati AFL-CIO Labor Council, also slammed the bill, saying it would put clean air and water and safe and healthy food up for negotiation.

"When Washington won't listen and turns its back on Ohio, people in communities like Cincinnati must stand up and make their voices heard," he said.

The petition follows a TV advertisement campaign launched by watchdog group Public Citizen last month targeting Cincinnati voters. Lethal lunchboxes filled with contaminated food would be a consequence of the bill, it states (*E&E Daily*, June 29).

The ad urges Ohio voters to call Portman's office and express their opposition to the proposal. It says, "Call Sen. Portman and tell him we didn't vote for lethal lunchboxes."

The senators have defended their bill as necessary to increase participation in rulemaking and make sure federal actions don't unnecessarily hurt the economy.

## AIR POLLUTION

### Dem states move to defend Obama ozone rule in D.C. Circuit

Sean Reilly, E&E News reporter

Published: Friday, July 7, 2017

More than a half-dozen Democratic-led states, worried that U.S. EPA will no longer defend the legality of its 2015 ozone air quality standard, are asking a court's permission to take up the fight.

"Recent official statements by EPA indicate that EPA's defense of the 2015 ozone [standard] may no longer be zealous and forceful," attorneys general for California, Massachusetts and five other states wrote in a motion to intervene filed late yesterday with the U.S. Court of Appeals for the District of Columbia Circuit.

Allowing them to defend the 70-parts-per-billion (ppb) threshold is "the only way" to protect their states' interests in seeing the standard left in place, the motion added.

Undoing the benchmark "would result in more asthma attacks and increased lost school days, among other harms, and would cost up to \$1.3 billion in lost net benefits just from controlling ozone in California alone," the filing said.

That rule, published by the Obama administration in October 2015, is entangled in a skein of competing lawsuits. Industry groups call it unlawfully strict, while environmental groups say it should be stricter still.

Under the Trump administration, EPA leaders have signaled second thoughts about continuing their defense. Although no decision has been announced, oral arguments scheduled for April in the consolidated litigation were postponed at the agency's request.

California and most of the other states now seeking to intervene have already weighed to defend the standard, but only on a friend-of-the-court basis.

Prompting yesterday's bid to ratchet up their involvement was EPA Administrator Scott Pruitt's recent decision to roll back enforcement of the standard by a year, the filing indicated.

In announcing that decision, Pruitt cited the need for more information on the impact of ozone resulting from forces outside of regulators' control.

That stance undermines EPA's previous position that those issues were properly addressed in the rulemaking process that led to the benchmark, the filing said.

Other states signing onto the motion are New York, Rhode Island, Vermont, Washington and Delaware, along with the District of Columbia.

Their bid is likely to set off a fresh round of procedural wrangling. While EPA wants to review the intervention motion before taking a position, the U.S. Chamber of Commerce and other industry groups challenging the 70-ppb rule "do not consent," said the filing. Also opposed are Texas and other Republican-led states that are similarly challenging the Obama administration action.

Ozone, a lung irritant that is the main ingredient in smog, is produced by the reaction of nitrogen oxides and volatile organic compounds in sunshine. It has been linked to aggravated symptoms in emphysema sufferers and asthma attacks in children.

The motion marks the latest instance of states located mainly on the nation's coasts pushing back against even the possibility that the administration will seek to delay or reverse existing EPA regulations.

In January, two days before President Trump was sworn in, New York and five other Northeastern states intervened in a separate legal battle over EPA's Cross-State Air Pollution Rule update, citing fears that the incoming administration would seek to roll back federal environmental protections (*E&ENews PM*, Jan. 19). That litigation is pending.

EPA has so far signaled no change in its position in defense of the update, which seeks to curb power plant emissions that waft across state lines.

States are also involved on both sides of the fight over Pruitt's attempt to delay an Obama-era rule limiting emissions from new oil and gas operations. On Monday, the D.C. Circuit Court vacated that decision.

A group of states led by Massachusetts sided with environmental groups in opposing the delay. A

separate coalition of states led by West Virginia backed Pruitt's position ([Greenwire](#), July 3).

## VW SCANDAL

### Audi engineer accused of orchestrating emissions cheating

Published: Friday, July 7, 2017

U.S. officials have accused Giovanni Pamio, former executive of Volkswagen's Audi, of ordering the company to cheat emissions tests.

He is the seventh company employee charged in the massive scandal that has cost Volkswagen AG more than \$20 billion in criminal fines and settlements.

Pamio is charged with conspiracy, wire fraud and violating the Clean Air Act. It is not clear whether the Italian national is in custody. He led the team of engineers who designed the emissions controls that turned on during government testing and off on the road.

Pamio "directed Audi employees to design and implement software functions to cheat the standard U.S. emissions tests," the U.S. Attorney's Office said in a statement.

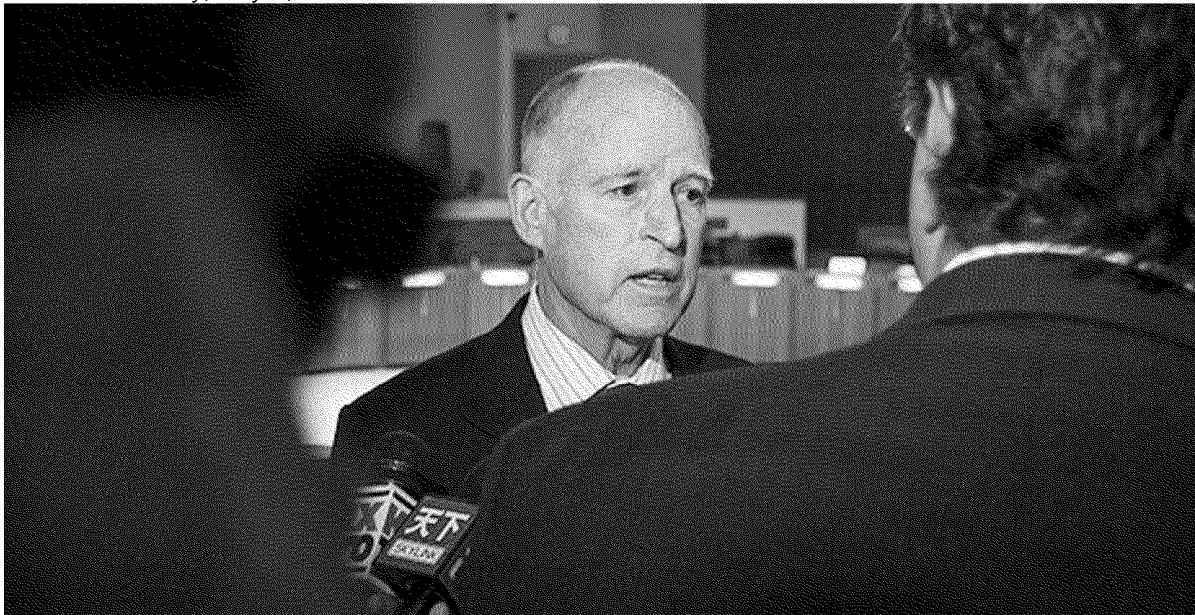
The case is being investigated by the FBI and U.S. EPA's criminal unit (Tom Krisher, [AP/Spokane Spokesman-Review](#), July 6). — NB

## POLITICS

### Calif. Gov. Brown to host international climate summit

[Arianna Skibell](#), E&E News reporter

Published: Friday, July 7, 2017



California Gov. Jerry Brown (D) said San Francisco will host the Global Climate Action Summit in 2018. Charlie Kaijo/Flickr

Reinforcing his intent to combat climate change and remain a major political player on the issue, California Gov. Jerry Brown (D) yesterday announced his state would host an international global warming summit next year.

The summit would mark the first time an American state has hosted an international climate change conference with the direct goal of supporting the Paris Agreement, according to Brown's office.

Brown spoke by video to the Global Citizen Festival in Hamburg, Germany, where President Trump is among the global leaders meeting for the Group of 20 summit.

Brown said Trump doesn't "speak for the rest of America" in trying to withdraw from the Paris accord, the 2015 agreement in which about 200 countries pledged to slash greenhouse gas emissions and help poorer countries that are disproportionately affected by climate change to produce clean energy and mitigate climate-related disasters.

"Look, it's up to you and it's up to me and tens of millions of other people to get it together to roll back the forces of carbonization and join together to combat the existential threat of climate change," Brown told the crowd.

"That is why we're having the Climate Action Summit in San Francisco, September 2018."

He added: "We in California and in states all across America believe it's time to act."

The California summit will convene leaders from subnational governments, businesses and civil society, as well as investors, according to a news release. Representatives will shed light on innovative climate actions already underway around the world and ask for deeper commitments from national governments.

Yesterday's announcement comes after months of talks between Brown and Christiana Figueres, former executive secretary of the U.N. Framework Convention on Climate Change (UNFCCC) and current convener of Mission 2020 and global ambassador for the climate group Under2 Coalition.

Following the U.N. Climate Change Conference in Paris, Figueres suggested that Brown convene a summit in 2018. California Senate President Pro Tempore Kevin de León (D) recently joined other state senators in urging Brown to take on the host role.

"The growing threat of climate change demands an immediate and unified global response," de León said in a statement.

"California remains committed to a clean energy future and we welcome the responsibility to lead on America's behalf. My colleagues in the Senate appreciate Governor Brown agreeing to hold this global summit and look forward to working with him to welcome our partners from around the world."

The summit will be held ahead of the 24th Conference of the Parties to the UNFCCC (COP 24) next year.

Since Trump announced his intent to withdraw from the Paris Agreement, more states are pledging independent action. New York, California and Washington state recently launched the U.S. Climate Alliance, which has since gathered support from nine other states and the territory of Puerto Rico.

The coalition is led by both Democrats and Republicans and has committed to reducing carbon emissions

26 to 28 percent from 2005 levels by 2025 and meeting or exceeding Clean Power Plan targets.

An even broader coalition was formed last month called We Are Still In, with a number of states and hundreds of cities, businesses and universities promising to meet emissions-slashing targets set under the international accord — though questions have been raised about whether these coalitions could, depending on how they operate, violate legal limits on state action ([Energywire](#), June 7).

Still, Brown has continued to take a leadership role on climate change. Earlier this week, he joined Under2 Coalition leaders from Baden-Württemberg, Germany; Catalonia, Spain; and South Australia in urging the Group of 20 summit to reaffirm support for implementing the Paris Agreement.

"All over the world, momentum is building to deal seriously with climate change," he said in a statement. "Despite rejection in Washington, California is all in. We are fully committed to the Under2 Coalition and the Paris Agreement."

Last month, Prime Minister of Fiji Frank Bainimarama, who is the incoming president of COP 23, scheduled for November, named Brown as special adviser for states and regions ahead of the conference.

The appointment followed meetings with Germany's top environmental official and with Chinese President Xi Jinping. Over his weeklong trip in China last month, Brown also met with the country's special envoy on climate change and signed multiple agreements with national and provincial governments to cooperate on clean energy and greenhouse gas trading programs ([Climatewire](#), June 12).

Brown is not eligible to run for re-election in 2018. He served as governor from 1975 to 1983 and again since 2011.

## ENERGY EFFICIENCY

### DOE finalizes freezer rule after White House lawsuit

[Christa Marshall](#), E&E News reporter

Published: Friday, July 7, 2017

The Department of Energy is moving to finalize an efficiency rule after multiple states sued the Trump administration for delaying it.

The [rule](#) for walk-in freezers and coolers is set to be published in the *Federal Register* on Monday. It was one of five rules covered by a lawsuit involving 11 states and New York City last month led by New York Attorney General Eric Schneiderman (D) and California Attorney General Xavier Becerra (D).

The freezer rule, along with four other efficiency standards, was released in December 2016 but never finalized in the *Federal Register* after a required 45-day review.

The lawsuit alleges the delays violate the Energy Policy and Conservation Act and the Federal Register Act ([E&E News PM](#), June 13). DOE has not moved to finalize the other four standards involved in the case.

"Each of these other rules, just like the walk-in cooler standards, save users money and enjoy some level of support from manufacturer interests. It's time to stop the delay," said Andrew deLaski, executive director of the Appliance Standards Awareness Project.

DOE said it does not comment on pending litigation.

The freezer and cooler efficiency standard — the first ever for the appliances — would save consumers \$1.4 billion to \$3.2 billion and would reduce carbon dioxide emissions over 30 years by the equivalent released by 783,000 homes annually, according to DOE. The regulation resulted from a negotiated process between industry and environmentalists.

Francis Dietz, vice president of public affairs at the Air-Conditioning, Heating, and Refrigeration Institute, praised the administration for issuing the rule in the form agreed to by industry.

"This is one less regulatory ball in the air ... and our members can now move forward in preparing for the rule's implementation," Dietz said.

## ENERGY STORAGE

### Tesla will build world's largest battery — in 100 days

Published: Friday, July 7, 2017

Tesla has won a contract in Australia to install the world's biggest grid-scale battery.

CEO Elon Musk beat out dozens of competing proposals to build the huge lithium-ion battery that will serve as emergency backup power for South Australia, a state that suffers from frequent outages.

Under the agreement, Tesla must deliver the 100-megawatt battery within 100 days of the contract being signed — or it will be free, costing Tesla "\$50 million or more," according to Musk.

The battery is designed to power 30,000 homes if there is a blackout and will be built on a wind farm operated by French company Neoen.

Over the past three years, the state has shut down coal-fired power stations and relied on wind, solar and gas, a move that has been applauded by environmentalists but made it prone to outages due to inadequate storage.

"Cost-effective storage of electrical energy is the only problem holding us back from getting all of our power from wind and solar," said Griffith University professor Ian Lowe. "This project is a significant innovation to demonstrate the feasibility of large-scale storage."

Competitors for the contract have expressed doubt that Tesla can complete the battery in three months.

"It seems that confidence helped Tesla win, but typically this kind of project takes six months so we have to wait and see whether or not Tesla can do it," said a source from a Korean company (Packham/Regan, [Reuters](#), July 7). — **SM**

## AIR POLLUTION

### Texas fined less than 3% of illegal emissions — report

[Sean Reilly](#), E&E News reporter

Published: Friday, July 7, 2017

Texas regulators rarely penalized businesses for thousands of air pollution violations in recent years at refineries, chemicals plant and other facilities, according to an [analysis](#) of enforcement data released today by two environmental groups.

Out of almost 25,000 illegal releases attributed to industrial maintenance or malfunctions from 2011 through last year, the state levied fines for less than 3 percent, the Environmental Integrity Project and Environment Texas said in the analysis, titled "Breakdowns in Enforcement."

The total amount of air pollution released because of those violations amounted to more than 500 million pounds, the report said. Among the violations that have thus far escaped penalties: a series of releases early last year from a West Texas gas processing plant that spewed some 578 tons of sulfur dioxide stemming from a shutdown and a Garden City oil and gas operator that released some 300,000 pounds of volatile organic compounds.

"It's the Wild West when it comes to environmental enforcement in Texas, except the sheriff seems to be asleep at his desk," Luke Metzger, director of Environment Texas, said in a news release. At the Texas Commission on Environmental Quality, a spokeswoman said the agency had only received the report this morning and would have a statement later.

While a federal judge in April slapped Exxon Mobil Corp. with almost \$20 million in fines for maintenance- and malfunction-related violations at its Baytown refinery and chemical complex near Houston, the report noted that the case was brought not by the state, but by Environment Texas and the Sierra Club ([Greenwire](#), April 27).

## ELECTRIC VEHICLES

### Industry boom brings environmental challenges

Published: Friday, July 7, 2017

The continued growth of electric vehicles has sparked environmental concerns about the mining and disposal of the raw materials used in the cars' batteries.

The mining sector will face increased scrutiny over extraction of materials including lithium, cobalt and nickel, said Roskill analyst Robert Baylis. On the other end of the production cycle, some are focused on the recycling of lithium-ion batteries.

"There will be more scrutiny over the supply chain for electric vehicles than there is from the consumer electronics industry due to the green credentials of EVs," said Baylis. "And recycling is probably not going to have an impact for 10 years and may not reach significant volume for 15 to 30 years."

Volvo Cars said this week that all of its new vehicles will be electric by 2019, and Tesla Inc. is set to launch its first mass-market electric car today. Analysts say a twelvefold increase in battery capacity will be necessary by 2025.

As mining companies prepare to meet that increased need, there are growing concerns over their environmental footprint.

"We're starting to see new sources being found and smaller mining companies and also non-mining

companies getting involved," said analyst Francis Cordon. "Some of these opportunities are arising where environmental codes are not as strong and social settings not as protective or inclusive. It's a combination of risks."

Some mining companies have acknowledged that the CO2 emissions may increase from lithium mining in the near future but say equipping electric cars will be more beneficial in the long run.

"In the short term, the CO2 footprint from [lithium] hardrocks will be less than ideal," said David Deak, chief technology officer of Lithium Americas. "But it is still extremely beneficial in offsetting the CO2 emissions that otherwise would come from internal combustion engines."

Analysts also say there will have to be large growth in recycling facilities to manage the first wave of electric vehicles.

"One of the challenges of making battery recycling economically viable is the quantity of battery material that is needed to keep utilization rates of recycling facilities sufficiently high," said analysts at Morgan Stanley. "The risk, therefore, is there may not be the necessary infrastructure in place in time for the first significant wave of EV batteries to reach end of life" (Henry Sanderson, *Financial Times*, July 7).

Despite the news from Tesla and Volvo this week, as well as from France, which announced plans to phase out fossil-fuel-powered vehicles by 2040, consumer preferences could still get in the way of the electric vehicle boom.

Even though the Chevrolet Bolt's battery costs \$145 a kilowatt-hour, the car is priced at about \$30,000 after a federal subsidy, nearly twice the price of the comparable gasoline-powered Chevrolet Sonic.

Electric cars are also constrained by range and a lack of charging stations; while the infrastructure has been growing, it still has a long way to go to compete with gas stations, which dispense 40 million fill-ups a day.

**If progress slows or subsidies become less generous, automakers and politicians who have pushed green vehicles could be in trouble (Spencer Jakab, *Wall Street Journal*, July 7). — SM**

## WYOMING

### State regulators want more control over drilling

Published: Friday, July 7, 2017

Oil and gas companies sometimes have to wait up to two years for a permit from federal regulators to drill on public lands, and some state agencies want to trim that delay by allowing states to take over drilling oversight within their borders.

State agencies in Wyoming already control parts of coal mining, water regulations and air quality controls.

Mark Watson, supervisor of the Wyoming Oil and Gas Conservation Commission, said operators are "serving two masters," which can be a problem for companies trying to prepare to drill. They can often be delayed when part of a proposed well crosses into federally owned minerals.

Wyoming regulators take one to two months to process drilling applications, while the federal Bureau of Land Management can take six months to a year.

Environmentalists could support some degree of authority granted to the state, following primacy — a rule that says state programs have to be as strict as federal law.

"We do want to give the Oil and Gas Commission a lot of kudos for what they do in the state," said Powder River Basin Resource Council organizer Jill Morrison, "as opposed to the BLM, where the enforcement actions are pretty lacking" (Heather Richards, [Casper \[Wyo.\] Star-Tribune](#), July 6). — **SM**

## WASHINGTON

### Construction budget up in air over water rights dispute

Published: Friday, July 7, 2017

The Washington Legislature averted a partial government shutdown last week by passing a two-year operating budget.

But \$4 billion for new construction projects is up in the air while budget negotiations are paused over water rights.

Senate Republicans say they will refuse to pass a budget without legislation that would overturn a recent state Supreme Court decision, known as the *Hirst* decision.

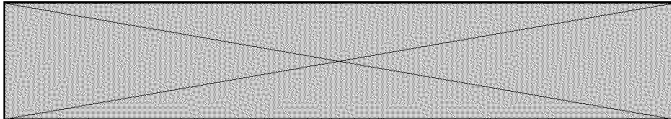
The ruling effectively limited the use of new domestic wells in rural areas if they harm senior water rights.

Republican state Sen. Jim Honeyford said the court decision has stopped home construction in rural areas.

"This was our leverage point, and that's why we're using it," he said.

Democrats say blocking the budget is a disservice to residents.

"To try to leverage a capital budget bill on a really complex legal policy bill is not appropriate," said Democratic state Rep. Steve Tharinger, who chairs the House Budget Committee (Phuong Le, [AP/Seattle Times](#), July 6). — **CS**

	
AN E&E NEWS PUBLICATION	
<b>CLIMATEWIRE — Mon., July 10, 2017</b>	
<a href="#">READ FULL EDITION</a>	
<p><b>1. STATES:</b>  <b><u>Cap and trade is alive, and it might grow under Trump</u></b></p> <p>The Regional Greenhouse Gas Initiative once labored in the shadows of President Obama's Clean Power Plan. No longer. President Trump's dismantling of climate initiatives has pushed America's only multistate cap-and-trade program to the fore of U.S. carbon-cutting efforts.</p>	

## TOP STORIES

2.DIPLOMACY:**World leaders voice 'dissent' against U.S. climate position**

## TRUMP ADMINISTRATION

3.POLICY:**DOE already has red teams. And they don't always work**

## STATES

4.CALIFORNIA:**Brown and lawmakers haggle over details of carbon market**5.CALIFORNIA:**Can 'cool pavements' combat warming in LA?**

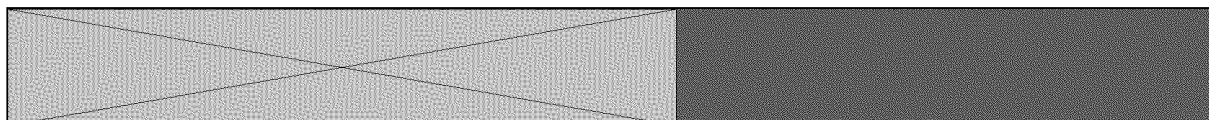
## INTERNATIONAL

6.NEGOTIATIONS:**Melania Trump blocked from climate research tour**7.RENEWABLE ENERGY:**China brings panda-shaped solar plant online**


## CITIES

8.CITIES:**New Orleans mayor has a plan to fight 'existential threat'**

## E&amp;TV'S ONPOINT

9.GRID:**Analysis shows market forces, not policy, driving shifts in power sector**

AN E&amp;E NEWS PUBLICATION

**ENERGYWIRE — Mon., July 10, 2017**

[READ FULL EDITION](#)
1.BUSINESS:**Warren Buffett's \$9B Oncor bid boosts chastened utility**

Warren Buffett might finally be happy to talk about Energy Future Holdings Corp., despite a bad investment years ago.

## ELECTRICITY

2.NUCLEAR:**'Who did it?' zeroes in on Russian hacking**3.NEWSMAKERS:**Dominion CEO charts the company's low-carbon future**4.WIND:**Could wind energy be stored underground?**5.COAL:**Markets brace for China to step in**

OIL AND GAS	6. <u>SOLAR:</u> <u>Israeli soldiers rip down West Bank energy project</u>
	7. <u>OIL:</u> <u>Debt fuels growth of U.S. shale patch</u>
E&ETV'S ONPOINT	8. <u>LAW:</u> <u>EPA requests more time to comply with methane order</u>
	9. <u>OIL MARKETS:</u> <u>Wall Street cash flows despite low prices</u>
	10. <u>GRID:</u> <u>Analysis shows market forces, not policy, driving shifts in power sector</u>

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Jennifer Turley, Law Librarian

Arctic Slope Mission Services (ASMS) Contractor

U.S. Environmental Protection Agency

Office of General Counsel

202/564-3971

[turley.jennifer@epa.gov](mailto:turley.jennifer@epa.gov)



**To:** Jordan, Scott[Jordan.Scott@epa.gov]  
**From:** Zenick, Elliott  
**Sent:** Thur 7/6/2017 1:08:55 PM  
**Subject:** FW: Calvert Questions 1-2: Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan and Methane  
[CAL-001-002 OW OA OAR.docx](#)

This is a little bit of a mess. Can you suggest edits and provide updates re the CPP review package? Thanks.

**From:** Logan, Shanita  
**Sent:** Wednesday, July 5, 2017 5:06 PM  
**To:** Zenick, Elliott <Zenick.Elliott@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>  
**Cc:** Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Lindo, Talitha <lindo.talitha@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** QFR: Calvert Questions 1-2: Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan and Methane

\*\*\*Please send only one response

All,

The attached QFR(s) has been forwarded for your review, feedback and/or concurrence. Please use one of the following reply options:

- 1) No comments/feedback (single or multiple QFR's) – Select the **Comment icon** and simply type **concur**;
- 2) Comments to a single question– Use **Track Changes** and/or **Comment icon** to insert all comments and feedback into the Word document.
- 3) Combined set of questions - Within the same document, please select the **Comment icon** to **concur**; and use **Track Changes** and/or **Comment icon** to insert all comments and feedback – see example below

Responses are due by **noon, July 7, 2017**. Please forward all Word documents to RMO's Budget team: Shanita Logan ([logan.shanita@epa.gov](mailto:logan.shanita@epa.gov)) and Talitha Lindo ([lindo.talitha@epa.gov](mailto:lindo.talitha@epa.gov)) .

Thanks.

Shanita Logan

202-564-0227

**Example**

**Question:** Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

**Answer:** The FY 2018 budget request does not propose to close any EPA Environmental Protection Agency regional offices.

**Question:** How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

**Answer:** The FY 2018 budget request does not propose to close any EPA regional offices.

Commented [LS1]: Example Needs m

Commented [LS2]: Concur

**To:** Baptist, Erik[baptist.erik@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]  
**Cc:** Schmidt, Lorie[Schmidt.Lorie@epa.gov]  
**From:** Jordan, Scott  
**Sent:** Wed 7/5/2017 12:53:09 PM  
**Subject:** Re: CPP - CPP Litigation Information and Status Document  
[CPP.Key Issues in 111\(d\) Litigation.SJJ.6.14.16.doc](#)

Erik -

Given the large volume of materials in the CPP lawsuit, Elliott and I just had a chat about what we could do to help get you the background you need in an efficient manner.

We have two suggestions:

## **Ex. 5 - Deliberative Process Attorney Work Product**

Just let us know what will work best for you.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Baptist, Erik  
**Sent:** Wednesday, July 5, 2017 8:23 AM  
**To:** Jordan, Scott; Zenick, Elliott  
**Cc:** Schmidt, Lorie  
**Subject:** RE: CPP - CPP Litigation Information and Status Document

Thanks, Scott. I am definitely interested in this litigation, especially since I believe I am the only deputy not recused from this litigation.

**Erik Baptist**

Senior Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-1689  
baptist.erik@epa.gov

**From:** Jordan, Scott  
**Sent:** Wednesday, July 5, 2017 7:53 AM  
**To:** Zenick, Elliott <Zenick.Elliott@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>  
**Cc:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Subject:** Re: CPP - CPP Litigation Information and Status Document

Let me try that again, this time with the document attached.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Jordan, Scott  
**Sent:** Wednesday, July 5, 2017 7:47 AM  
**To:** Zenick, Elliott; Baptist, Erik  
**Cc:** Schmidt, Lorie  
**Subject:** Re: CPP - CPP Litigation Information and Status Document

Erik -

## **Ex. 5 - Deliberative Process Attorney Work Product**

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Zenick, Elliott  
**Sent:** Friday, June 30, 2017 12:39 PM  
**To:** Baptist, Erik  
**Cc:** Schmidt, Lorie; Jordan, Scott  
**Subject:** CPP

## Ex. 5 - Deliberative Process

[https://usepa.sharepoint.com/sites/OGC\\_Work/cpp\\_litigation/layouts/15/guestaccess.aspx?guestaccesstoken=](https://usepa.sharepoint.com/sites/OGC_Work/cpp_litigation/layouts/15/guestaccess.aspx?guestaccesstoken=)

**To:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Jordan, Scott  
**Sent:** Mon 7/10/2017 5:51:50 PM  
**Subject:** FW: CPP - CPP Litigation Information and Status Document

I am in the process of providing electronic copies of the materials for Erik's binder to Gail via email and expect to send that to Gail this afternoon.

For the meeting with Erik, I am thinking that it should include Lorie, you and me, but let me know if others should participate. (My thinking is that this first meeting will be an overview, and if there are specific issues that Erik wants to dig into in detail, we can bring in others for a subsequent meeting.)

Does that sound right?

Also, can you remind me which week

**Ex. 6 - Personal Privacy**

Thanks,

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

**From:** Baptist, Erik  
**Sent:** Friday, July 07, 2017 8:11 AM  
**To:** Jordan, Scott <Jordan.Scott@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Cc:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Subject:** RE: CPP - CPP Litigation Information and Status Document

Scott,

Yes, let's set up time for you to provide me with an overview of the key issues in the case and answer any questions that I may have.

## Ex. 5 - Attorney Work Product

You can work with Gail to find time on my schedule to provide me with the overview.

Thanks!

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

**From:** Jordan, Scott

**Sent:** Wednesday, July 5, 2017 8:53 AM

**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>

**Cc:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>

**Subject:** Re: CPP - CPP Litigation Information and Status Document

Erik -

Given the large volume of materials in the CPP lawsuit, Elliott and I just had a chat about what we could do to help get you the background you need in an efficient manner.

We have two suggestions:

## **Ex. 5 - Attorney Work Product**

Just let us know what will work best for you.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Baptist, Erik  
**Sent:** Wednesday, July 5, 2017 8:23 AM  
**To:** Jordan, Scott; Zenick, Elliott  
**Cc:** Schmidt, Lorie  
**Subject:** RE: CPP - CPP Litigation Information and Status Document

Thanks, Scott. I am definitely interested in this litigation, especially since I believe I am the only deputy not recused from this litigation.

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

**From:** Jordan, Scott  
**Sent:** Wednesday, July 5, 2017 7:53 AM  
**To:** Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>  
**Cc:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Subject:** Re: CPP - CPP Litigation Information and Status Document

Let me try that again, this time with the document attached.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Jordan, Scott

**Sent:** Wednesday, July 5, 2017 7:47 AM

**To:** Zenick, Elliott; Baptist, Erik

**Cc:** Schmidt, Lorie

**Subject:** Re: CPP - CPP Litigation Information and Status Document

Erik -

## **Ex. 5 - Deliberative Process Attorney Work Product**

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

---

**From:** Zenick, Elliott  
**Sent:** Friday, June 30, 2017 12:39 PM  
**To:** Baptist, Erik  
**Cc:** Schmidt, Lorie; Jordan, Scott  
**Subject:** CPP

## Ex. 5 - Deliberative Process

[https://usepa.sharepoint.com/sites/OGC\\_Work/cpp\\_litigation/\\_layouts/15/guestaccess.aspx?guestaccesstoken=](https://usepa.sharepoint.com/sites/OGC_Work/cpp_litigation/_layouts/15/guestaccess.aspx?guestaccesstoken=)

**To:** Bryson, Joe[Bryson.Joe@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Tue 6/6/2017 2:32:57 PM  
**Subject:** RE: Monday am update

The version 'EO12866\_CPP Repeal 2060-AT55 Proposal RIA\_20170602' in the 'submitted versions' directory is the version we submitted. The working version is a little out of sync

## Ex. 5 - Deliberative Process

**From:** Bryson, Joe  
**Sent:** Tuesday, June 06, 2017 10:25 AM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>  
**Subject:** RE: Monday am update

Well, that's news. Thanks.

Do you know if the draft on Sharepoint is same as what went over or did OP make edits? Seems like we should be provided access to the officially transmitted version?

Yes, was very nice to have her to dump it on. And probably better her than me. I might have not been the best one to react most professionally to some of the late issues raised by our colleagues in OP.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

**From:** Macpherson, Alex  
**Sent:** Tuesday, June 06, 2017 10:11 AM  
**To:** Bryson, Joe <[Bryson.Joe@epa.gov](mailto:Bryson.Joe@epa.gov)>  
**Subject:** RE: Monday am update

Hi Joe

**Ex. 6 - Personal Privacy** No news other than it seems to have been submitted to OMB.

Beth was a huge help. She did a great job.

Alex

**From:** Bryson, Joe  
**Sent:** Tuesday, June 06, 2017 10:09 AM  
**To:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** RE: Monday am update

Any news?

BTW, congrats on setting new record for developing an RIA! Of course, now two weeks is going to be established as the new standard.

**From:** Macpherson, Alex  
**Sent:** Monday, June 05, 2017 9:39 AM  
**To:** Shouse, Kate <[Shouse.Kate@epa.gov](mailto:Shouse.Kate@epa.gov)>; Bryson, Joe <[Bryson.Joe@epa.gov](mailto:Bryson.Joe@epa.gov)>; Eschmann, Erich <[Eschmann.Erich@epa.gov](mailto:Eschmann.Erich@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Ferris, Ann <[Ferris.Ann@epa.gov](mailto:Ferris.Ann@epa.gov)>; Kopits, Elizabeth <[Kopits.Elizabeth@epa.gov](mailto:Kopits.Elizabeth@epa.gov)>; Marten, Alex <[Marten.Alex@epa.gov](mailto:Marten.Alex@epa.gov)>; Evans, DavidA <[Evans.DavidA@epa.gov](mailto:Evans.DavidA@epa.gov)>; Kamal, Ali

<[Kamal.Ali@epa.gov](mailto:Kamal.Ali@epa.gov)>; Conlin, Beth <[Conlin.Beth@epa.gov](mailto:Conlin.Beth@epa.gov)>; Sarofim, Marcus  
<[Sarofim.Marcus@epa.gov](mailto:Sarofim.Marcus@epa.gov)>

**Cc:** Maguire, Kelly <[Maguire.Kelly@epa.gov](mailto:Maguire.Kelly@epa.gov)>; Jenkins, Robin <[Jenkins.Robin@epa.gov](mailto:Jenkins.Robin@epa.gov)>;  
Kaufman, Kathy <[Kaufman.Kathy@epa.gov](mailto:Kaufman.Kathy@epa.gov)>

**Subject:** Monday am update

Team

The repeal package was submitted up through OAQPS management for transmittal to OMB on Friday afternoon. I don't have confirmation right now whether it made it all the way to OMB Friday.

I put the submitted version on the Sharepoint site if you need a copy for your records. Changes in the Friday version included

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 6 - Personal Privacy** please send email and I can call you. Thanks.

Alex

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**Cc:** Eschmann, Erich[Eschmann.Erich@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Fri 4/28/2017 5:51:14 PM  
**Subject:** cost\_memo\_draft\_042417.docx  
[cost memo draft 042417.docx](#)

Reid

Current draft attached...a few things still in progress.

Alex

-----  
Alexander Macpherson, PhD

Senior Economist

Office of Air and Radiation

US Environmental Protection Agency

919-541-9770

**From:** Microsoft Outlook  
**Location:** Call in # Ex. 6 - Personal Privacy **Conf Code:** Ex. 6 - Personal Privacy  
**Importance:** Normal  
**Subject:** Meeting Forward Notification: CPP Next Steps  
**Start Date/Time:** Thur 6/29/2017 2:15:00 PM  
**End Date/Time:** Thur 6/29/2017 3:00:00 PM

**Your meeting was forwarded**

Zenick, Elliott has forwarded your meeting request to additional recipients.

**Meeting**

CPP Next Steps

**Meeting Time**

Thursday, June 29, 2017 10:15 AM-11:00 AM.

**Recipients**

Schmidt, Lorie

Schwab, Justin

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

---

Sent by Microsoft Exchange Server

**From:** Szabo, Aaron L. EOP/OMB  
**Location:** Call in # Ex. 6 - Personal Privacy Conf Code Ex. 6 - Personal Privacy  
**Importance:** Normal  
**Subject:** Accepted: CPP Next Steps  
**Start Date/Time:** Thur 6/29/2017 2:15:00 PM  
**End Date/Time:** Thur 6/29/2017 3:00:00 PM

**To:** Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** SNL Alerts  
**Sent:** Sat 6/24/2017 1:16:05 AM  
**Subject:** SNL Evening Summary

## MY SNL SUMMARY

### News

#### TOP NEWS

Markets: Friday's Energy Stocks: Westmoreland up 4% despite lowered share price target  
 6/23/2017 6:08 PM ET -- After a week of slides following a big acquisition announcement, EQT Corp. gained 8%.

\$3B electric vehicle program touted as 'game changer' for Calif. emissions cuts  
 6/23/2017 5:54 PM ET -- California lawmakers are considering an up to \$3 billion electric vehicle incentive program that aims to put 5 million cars on the street, and on the state's power grid, by 2030.

Electric power CEOs meet with Pruitt on next steps for carbon regulations  
 6/23/2017 5:45 PM ET -- U.S. Environmental Protection Agency Administrator Scott Pruitt met recently with utility executives on possible next steps for regulating carbon emissions under the Clean Air Act as the EPA's Clean Power Plan remains on life support.

Transmission planners face challenges as more renewables connect to the grid  
 6/23/2017 5:27 PM ET -- As more renewable energy projects come on in the U.S., industry experts say there will be greater need for long-distance transmission lines.

NJ solar REC prices ease further as end of June nears  
 6/23/2017 5:16 PM ET -- Easing the week before, solar renewable energy credit prices in New Jersey continued to drop during the week ended June 23.

East power markets favor losses; West values recover  
 6/23/2017 4:42 PM ET -- Major next-day power markets closed the Friday, June 23, session varied amid forecasts for declining June 26 demand and with little support from spot gas prices.

July natural gas ticks higher into weekend  
 6/23/2017 3:52 PM ET -- NYMEX July natural gas futures finished the workweek higher despite bearish fundamentals.

Analysts see silver lining to Kemper clean-coal shutdown  
 6/23/2017 3:47 PM ET -- Analysts see a silver lining to the possibility of Mississippi Power Co. shutting down the clean-coal component of its Kemper plant, despite the impact that move could have on Southern Co.'s earnings.

Hires and Fires: Moves through June 22  
 6/23/2017 2:39 PM ET -- S&P Global Market Intelligence presents a weekly rundown of recent executive management, board and regulatory changes in the energy industry. The moves are listed by sector in reverse chronological order.

Reports Russians used utility malware raise Dems' concerns over cybersecurity

6/23/2017 1:58 PM ET -- Nineteen U.S. senators sent a letter to President Donald Trump criticizing his proposed budget cuts to cybersecurity programs and asking that the U.S. Department of Energy analyze Russia's cyberattack capabilities.

Financial Focus: Utilities slip overall while ALLETE, NextEra move ahead

6/23/2017 1:56 PM ET -- After finishing among group laggards for the week ended June 16, ALLETE Inc. was the best performer in the RRA utility universe for the week ended midday Friday.

US thermal coal prices down YTD as market approaches mid-2017

6/23/2017 1:13 PM ET -- U.S. thermal coal prices were mixed the week ended June 22. But as the market nears the halfway mark of 2017, front-month coal prices are down between 6.4% and 7.4% year-to-date.

La. senator introduces bill that would streamline federal LNG export orders

6/23/2017 12:58 PM ET -- The provision, sponsored by Sen. Bill Cassidy, R-La., would remove language distinguishing between "free trade agreement" and "non-free trade agreement" LNG export orders.

Upcoming court decision could have huge impact on future approval of coal leases

6/23/2017 12:57 PM ET -- Environmental groups are eagerly anticipating an upcoming court decision that could have wide implications on the future approval of federal coal leases and other developments related to coal.

FERC staff delivers positive final review of 2-Bcf/d Mountain Valley pipeline

6/23/2017 12:51 PM ET -- The 2-Bcf/d Mountain Valley natural gas pipeline received a positive final environmental impact statement from Federal Energy Regulatory Commission staff, bringing the East Coast supply project closer to a final commission decision.

California 'in the thick of negotiations' on cap-and-trade deal

6/23/2017 12:48 PM ET -- California Gov. Jerry Brown, lawmakers, and business and environmental groups are eyeing a deal to extend the state's carbon cap-and-trade program beyond 2020 with a two-thirds vote.

The Gas Meter: EQT/Rice merger: Making of an Appalachian giant

6/23/2017 12:44 PM ET -- EQT Corp.'s acquisition of rival shale driller Rice Energy Inc. is a pivotal move with major implications not just for the midstream industry, but also for Marcellus and Utica production and within the two companies themselves.

MarketWeek: NextEra, Pattern beef up renewables pipelines as institutional demand surges

6/23/2017 12:31 PM ET -- Pattern Energy Group Inc. and NextEra Energy Inc. are doubling down on renewables development at a time when demand from institutional investors for wind and solar assets is said to vastly outstrip the supply of available projects.

The Coal Scoop: Murray files suit over John Oliver's coal segment; union slams mine fatalities

6/23/2017 12:26 PM ET -- Murray Energy made good on a promise for legal action in response to John Oliver's coal comments this week, while the industry's largest union slammed MSHA for what it calls a "deadly trend," following the recent death of an Alabama union worker.

DOE research focus in flux under Trump, but methane mitigation still on radar

6/23/2017 11:56 AM ET -- The U.S. Department of Energy has put millions of dollars toward researching methane emissions mitigation, but under the Trump administration, the lens through which the agency views its research is changing.

The Best Of: Energy editors' picks: Blockchain: A dark horse disruptor for the power markets

6/23/2017 11:49 AM ET -- SNL Energy editors' picks for the best stories for the week ended June 23.

Analyst cuts price target for Westmoreland dramatically, but still sees value

6/23/2017 11:44 AM ET -- In the wake of balance sheet concerns, weaker natural gas prices and weak coal burn projections, FBR & Co. dropped its price target for coal miner Westmoreland Coal Co. from \$17 per share to \$8 per share.

Enbridge ready to start C\$4.9B oil line rebuild

6/23/2017 11:43 AM ET -- Enbridge plans to start construction on the C\$4.9 billion Canadian portion of the rebuild and upsizing of a line that links the oil sands region with refineries in the U.S.

The Best Of: Energy, most read: Murray Energy sends cease and desist to HBO's John Oliver

6/23/2017 11:28 AM ET -- SNL Energy presents the most read stories for the week ended June 23.

Developers seek windows to compete for transmission 6 years after FERC order

6/23/2017 10:55 AM ET -- Electric transmission developers say there are still limited opportunities to compete for large transmission projects in the U.S. even six years after a federal agency issued a major order to spur competition in transmission planning.

From Qatar to Korea, overseas changes could create openings for US LNG

6/23/2017 10:07 AM ET -- A diplomatic rift in the Persian Gulf, a decision to limit LNG exports from

Australia, the shutdown of a nuclear reactor in South Korea and the closure of a natural gas storage facility in Britain could together bolster demand for U.S. LNG.

PSEG Power, PSE&G, PSEG Long Island get new heads

6/23/2017 8:27 AM ET -- Public Service Enterprise Group appointed Ralph LaRossa as the next president and COO of PSEG Power, succeeding Bill Levis.

The Daily Dose: NextEra to continue Oncor pursuit; TMRC forms coal byproduct-focused unit

6/23/2017 8:04 AM ET -- Also in today's edition: DOE has role in research, but ARPA-E may not be "holy grail," Perry says; lenders stare down LNG's "multibillion-dollar question" as spot market grows; and coal union critical of MSHA response to rash of fatalities.

July gas futures take offensive ahead of week's closing session

6/23/2017 6:57 AM ET -- After ending the prior session with a marginal 0.1-cent gain at \$2.894/MMBtu, NYMEX July natural gas futures showed a more deliberate upside bias overnight ahead of the Friday, June 23, open.

AM Power Report: Dailies could end week split between lower load, rising gas

6/23/2017 6:48 AM ET -- Power trading for next-day delivery could end the workweek on a mixed tenor Friday, June 23, as expectations of predominantly softer demand coming off the weekend run counter to gains at the natural gas futures complex.

English law reigns supreme in global trade but Brexit might diminish its EU sway

6/23/2017 5:59 AM ET -- Brexit, one year later: English common law will continue to underpin most contracts in financial markets, but U.K. court judgments will no longer be automatically recognized in the EU, leading potentially to higher costs and regulatory divergence.

## COMMODITIES

Nuclear update: 4 curtailments pull down US production

6/23/2017 1:00 PM ET -- Total U.S. nuclear plant availability took a step back early June 23 to 93.88%, down from 94.79% on June 22 but still higher than the 91.83% reported on the same day last year.

US gas demand remains elevated in week to June 21

6/23/2017 8:11 AM ET -- Warmer weather in the West fueled an uptick in total U.S. natural gas demand during the week that ended June 21.

## ELECTRIC GENERATION

4 states complain of being ignored by NRC in decommissioning rulemaking

6/23/2017 6:16 PM ET -- Connecticut, Massachusetts, New York and Vermont want stricter regulations and a shorter timeframe for decommissioning nuclear power plants than those proposed by U.S. Nuclear Regulatory Commission staff.

Georgia Power extends interim agreement with Vogtle contractors

6/23/2017 12:59 PM ET -- Georgia Power Co. extended for a sixth time an interim agreement with contractors working on the expansion of its Alvin W. Vogtle Nuclear Plant while a new agreement is being hashed out.

FPL seeks FERC nod to transfer stake in St. Johns coal station assets to JEA

6/23/2017 12:33 PM ET -- Florida Power & Light is planning to transfer to JEA its 20% ownership interests in certain substation assets and related equipment that would be excluded from the dismantlement of the 1,322-MW St Johns River Power coal-fired facility.

## IN THE BOARDROOM

Brookfield Renewable subsidiary renews normal course issuer bid

6/23/2017 9:54 AM ET -- Brookfield Renewable Power Preferred Equity renewed its normal course issuer bid for outstanding class A preference shares following Toronto Stock Exchange approval.

## MIDSTREAM

Court refuses Millennium Pipeline request to prod NY agency for permit

6/23/2017 5:19 PM ET -- A federal court refused to compel a New York agency to issue a delayed permit to Millennium Pipeline, as the company had asked, but the decision could open the door for the case to go to the Federal Energy Regulatory Commission.

## MINING

Trump administration offers up to \$30M to coal communities

6/23/2017 2:58 PM ET -- Coal communities are receiving up to \$30 million in funds to assist economic development programs.

River View Coal applies to expand disposal site at Ky. mine

6/23/2017 10:36 AM ET -- River View Coal, a subsidiary of Alliance Resource Partners, is seeking approval to expand a refuse disposal site at the River View mine in Union County, Ky.

**OPERATIONS & STRATEGY**SC regulators approve recovery of Duke Energy Progress fuel costs

6/23/2017 4:19 PM ET -- The Public Service Commission of South Carolina approved a settlement agreement tied to Duke Energy Progress LLC's fuel expenses and distributed energy resource program costs.

**PERSONNEL**NY Senator confirms 2 nominees for NY Power Authority board

6/23/2017 9:44 AM ET -- The New York State Senate confirmed the nominations of Dennis Trainor and Michael Balboni to serve on the New York Power Authority board of trustees.

Sunoco president/CEO to retire by year-end, new president named

6/23/2017 9:17 AM ET -- Sunoco LP President and CEO Robert Owens will retire effective Dec. 31 after serving for more than 20 years in the partnership. Sunoco appointed Joe Kim as president and COO, effective immediately.

**POWER GRID**Canada approves ITC's Lake Erie Connector transmission line

6/23/2017 2:45 PM ET -- Canada's federal government will allow Fortis Inc.-owned ITC Holdings Corp. to build a \$1 billion transmission line that would shuttle electricity between Ontario and the PJM Interconnection network, subject to 42 conditions.

Planned generator outages in Ontario could lead to tight power supplies

6/23/2017 11:42 AM ET -- Ontario's electricity reserves could fall below the Independent Electricity System Operator's requirements for 29 weeks during peak demand periods over the next two summers.

**PROJECT DEVELOPMENTS**Sunworks to build 1-MW solar project at Demas Farms in Nevada

6/23/2017 12:39 PM ET -- Sunworks plans to build a 1.06-MW solar project at Demas Farms in Winnemucca, Nev., according to a June 23 release.

Gardner Capital building 8-MW solar project in Missouri

6/23/2017 12:03 PM ET -- Gardner Capital has started construction of an approximately 7.9-MW solar project in Missouri.

**RATES & TARIFFS**Ariz. commissioners thwart colleague's attempt to suspend APS rate case

6/23/2017 1:55 PM ET -- A majority of the Arizona Corporation Commission voted against Commissioner Robert Burns' moves to suspend Arizona Public Service Co.'s rate case pending an investigation of the utility's support for the election of two of the commissioners in 2014.

Duke Energy Progress projects rate increase from fuel cost recovery

6/23/2017 11:45 AM ET -- Duke Energy Progress asked the North Carolina Utilities Commission to approve its annual fuel cost-recovery filings, which would result in a 2.3% rate increase for residential customers in 2018.

**RATINGS & RESEARCH**Proxy advisory firms endorse ONEOK, ONEOK Partners proposed merger

6/23/2017 1:14 PM ET -- Proxy advisory firms Institutional Shareholder Services and Glass Lewis & Co. recommended votes in favor of the proposed merger of ONEOK Inc. and ONEOK Partners LP.

**REGULATION, POLICY & LAW**Mont. regulators limit NorthWestern's future power supply contracts to 10 years

6/23/2017 5:36 PM ET -- In an effort to protect ratepayers from fixed-price contracts, Montana regulators decided to limit electricity supply arrangements made by NorthWestern Corp. to a maximum of 10 years.

Fed considering review of capital rules to encourage central clearing

6/23/2017 3:25 PM ET -- The Federal Reserve may soon be reviewing its U.S. capital rules, which some

believe are leading banks away from central clearing of securities, Federal Reserve Governor Jerome Powell said Friday.

SELC sues Duke Energy over coal ash management at Mayo facility

6/23/2017 2:26 PM ET -- The Southern Environmental Law Center filed a lawsuit against Duke Energy Progress over its allegedly unlawful coal ash management at the 746-MW Mayo coal-fired power facility in Person County, N.C.

#### UPSTREAM

Increase in oil rigs boosts total US rig count again

6/23/2017 4:04 PM ET -- Rising by another eight during the week ended June 23 to a total of 941, the total U.S. rig count is at its highest level since the week ended April 17, 2015.

#### RRA NEWS

RRA Regulatory Focus: Commissioner Solomon confirmed by NJ Senate

6/23/2017 3:24 PM ET -- On June 19, the New Jersey Senate confirmed the reappointment of Commissioner Dianne Solomon to the New Jersey Board of Public Utilities.

RRA Regulatory Focus: Calif. PUC to consider rulemaking that would impact community choice aggregation

6/23/2017 10:47 AM ET -- On June 29, the California Public Utilities Commission is expected to consider initiating a rulemaking to review, consider alternatives and possibly revise the state's existing Power Charge Indifference Adjustment.

### Upcoming Events

#### EXPECTED EARNINGS RELEASES

No upcoming expected earnings releases have been posted since your last summary was sent.

#### CONFERENCE CALLS

No upcoming conference calls have been posted since your last summary was sent.

#### COMPANY MEETINGS

Just Energy Group Inc. (JE)  
Annual Shareholder

6/27/2017 10:00 AM ET

#### INDUSTRY CONFERENCES

TD Securities Calgary Energy Conference

7/5/2017 - 7/6/2017

AGA Legal Forum 2017

7/9/2017 - 7/11/2017

CIBC 9th Annual Unlock the Rock: Stampede Energy Conference

7/10/2017 - 7/11/2017

AGA Gas Piping Technology Committee Meeting

7/10/2017 - 7/12/2017

DMG Oil & Gas Africa

7/11/2017 - 7/11/2017

IHS Asia LPG Seminar & Workshops 2017

7/11/2017 - 7/13/2017

EMI Natural Gas Fundamentals

7/12/2017 - 7/12/2017

DMG Gas Indonesia Summit & Exhibition

7/12/2017 - 7/14/2017

EMI Intro to Energy Trading for the Non-Trader

7/13/2017 - 7/13/2017

### New Events

#### EXPECTED EARNINGS RELEASES

No new expected earnings releases have been posted since your last summary was sent.

#### CONFERENCE CALLS

No new conference calls have been posted since your last summary was sent.

#### COMPANY MEETINGS

No new company meetings have been posted since your last summary was sent.

**INDUSTRY CONFERENCES**

No new industry conferences have been posted since your last summary was sent.

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**Sent:** Fri 6/23/2017 8:25:57 PM  
**Subject:** Automatic reply: CPP - Report on NRDC/OMB Meeting

## Ex. 6 - Personal Privacy